

# THE Nonconformist.

"THE DISSIDENCE OF DISSENT AND THE PROTESTANTISM OF THE PROTESTANT RELIGION."

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## ECCLÉSIASTICAL AFFAIRS.

### THE CHURCHMAN'S MIRROR.

No. VII.

#### THE CHANGELING.

OUR wonder begins to be threadbare, and eke, out at elbows. We are ashamed now-a-days to put it on, and have resolved to doff it once for all in favour of our children. There was a time when we went dressed, morning, noon, and night, in this suit. We thought nothing so becoming—it seemed precisely the very thing for all times, all places, and all companies. The years of early life may fitly enough be symbolised by so many notes of admiration. All that one meets with is strange—man's history the strangest of all. Surprise, however, like everything else, stiffens with age, and is often bed-ridden long before it dies.

They who are minutely acquainted with ecclesiastical history, have exhausted the richest mine of wonder. It is one series of marvels, to which the whole world besides can furnish no parallel. Its crimes surpass all other crimes. It is the very romance of human depravity. It mirrors with terrible accuracy the Laocoon of spiritualism—weakness writhing within the folds of gigantic wickedness—and, turn which way you will, you have but the different aspects of this awe-breathing picture. Extraordinary, and almost incredible, are the frauds which have been practised in the name of piety; so that even in our own day—a day of much vaunted enlightenment—Christian men of every sect that can be named, pay willing homage to some cherished delusion.

Christian magistracy furnishes us with an apt illustration. The idea, as we have seen, is a right true and noble one, comes of heavenly parentage, and challenges universal veneration. Officers of state filled with the spirit of religion—laws framed upon the principles of religion—honours distributed with an eye to religion—international dealings guided and controlled by religion,—why, who would object to this? who would be bold enough to deny to the idea comprising these particulars, a legitimate and direct relationship to Christianity itself? But this is not the idea which Churchmen exalt under the name of Christian magistracy. Priestism stole the true offspring in its earliest days, and put an ugly babe of its own into its cradle. The consequence is, that worship is paid to a changeling; and the worshippers are as unconscious of, and as happy in, their delusion, as if the notion had come visibly from the skies in its modern form. You will hear men argue with acuteness, you will see them labour with zeal, you will observe them touching in their submissiveness, beautiful in the glow of their affections, eloquent in the honesty of their indignation—and all in favour of a false idea, which priestcraft has dexterously thrust into the place of a true one. They fancy they are contending for Christian magistracy, when, in fact, they are only contending for the compulsory maintenance of a priesthood. They demand, as due from all people to the Most High—and if they could but be prevailed upon to lift up their own words and glance at the thing harbouring underneath them, they would see that that thing is neither more nor less than an assured living to those whose business it is to preach implicit faith in Providence.

The magistrate, as such, is bound to promote the Christian faith. This we admit, supposing him to be himself a Christian. But here the real controversy begins, not ends. Can he, we ask, in the high spiritual sense of that word, promote the faith of the gospel by means at variance with the spirit of the gospel? And does not a compulsory provision for the teachers of the gospel necessarily involve this contradiction? Let us see.

The authority which exacts this pecuniary homage to a religious system is tinged with many elements which cannot be made to harmonise with the Chris-

tian spirit. It is assumed without scriptural warrant—conduct which, in matters "pertaining to life and godliness," displays nothing whatever of the reverence which revealed truth ought to inspire. It exhibits no feature of self-mastery, nor does it of necessity imply any personal submission. It takes for granted its own infallibility of judgment, and commands others because its own conscience is satisfied. It can enforce itself only by the sword—a weapon which the Head of the church and his apostles disavowed as carnal. The propagation of the faith by physical force we have come to regard as the distinguishing infamy of Mahomedanism—the sustentation of the teachers of faith by the same means is contended for, by the advocates of church establishments, as the peculiar duty of Christian magistracy. Now, wherein lies the difference between the two schemes? Both start from physical force—both are intended to reach a national conversion. The first links the means to the end; the second interposes between the means and the end a subsistence for the clergy; and both are contradictory of that gospel which enjoins upon all its disciples—"Freely have ye received, freely give."

Obedience to the authority thus assumed, and exercised for such a purpose, carries with it much that is opposed to the primordial principles of Christianity. It is a recognition of earthly lordship within a sphere from which it has been expressly excluded. If willing, it must have become so either out of regard to the reasonableness of the thing commanded, or to the prerogative which the law represents: in the first case, it needed not the superadded motive; and in the last, it yields to man a homage which it was previously bound to render to God. If unwilling, it is, as a national profession, hypocritical—as an intended aid to the gospel, damaging to its character, its claims, and its success—and as a religious service, which all sacrifices for the maintenance of Christianity ought to be, destitute of every element of spirituality, and, consequently, offensive to the Most High.

It is no part of our present design to show that the gospel is, in the highest sense, "a law of liberty"—or to prove that its whole spirit repudiates compulsion, whether applied to enforce belief in its truths, or to secure a provision for its ministers. We have already done this pretty much at large. What we have now in hand is merely to insist, that Christian magistracy can be under no obligations at war with the individuality, independence, or freedom of conscience—can have no duties, the fulfilment of which necessarily supersedes the ordinances of the Great Master. To endow a sect with other people's wealth, even supposing that sect to be in possession of the truth, is not a scriptural development of Christian magistracy, although it is what most Churchmen mean by the phrase. To regulate all the functions of the civil ruler by the comprehensive principles of revealed truth, is what Christianity demands of those having authority—but this is anything but what the sticklers for establishments require. They imagine they do reverence to a glorious truth, when, in fact, they pay their respect merely to the name of it. Their favourite, as we have said, is a changeling—belongs to earth and sin, rather than to heaven and God.

#### BE WIDE AWAKE!

THE recent judgment of the Court of Exchequer in the case of *Gathercole v. Miall* has been generally and justly objected to on the ground that it throws a dangerous shield over the conduct and sayings of clergymen. In that objection we join. Whether or not some sermons delivered in parish churches can be properly termed public property is a very delicate question, which we are not competent to answer. We have seen congregations in some of them in which there was not much congregating; and "we have yet to learn," as Baron Parke says, that the discourses delivered before them might not have been deemed private matter only. But it is not numbers that are to be alone considered. A congregation asleep, we take it, for all practical purposes, is no congregation at all. Sleep is figuratively called death, and a sermon delivered before a congregation of people in that happy state may be literally said to have no audience. How far the state of Mr. Gathercole's congregation may affect the point now raised, we do not profess to know, but are quite willing to give him the full benefit of our remarks.

It seems to us that a most important doctrine laid down by Mr. Baron Alderson has not received the attention it deserves. In the course of his observation, the learned baron said, "I think you may

say, perhaps, that a man is a bad preacher—the dulness of a sermon is a very proper subject of comment and public opinion." This is good news indeed. Who can say the liberty of the press is destroyed? What can the most extravagant stickler for its freedom of comment desire? Who need mortify his itch for criticism? What! with the "badness" and "dulness" of sermons exposed to unmeasured animadversion, the liberty of the press destroyed? Is this not "ample verge and room enough?" This destruction of the liberty of the press is about as complete as the play of *Hamlet*, "with the part of Hamlet left out by particular request." We do not know by whose "particular request" dull and bad sermons were omitted by Mr. Baron Alderson. Perhaps he had the lively recollection of some unmerciful inflictions of the sort, and, conscious of his own infirmities, (for judges, like Homer, sometimes nod,) was anxious to guard against so great and prevalent an evil.

One thing is very clear. "A heavy blow and great discouragement" has fallen on the sacred order. The church is in danger. It is impossible to doubt it. With dull sermons left open to the tender mercies of the cruel press, it is plain that the venerable Establishment is exposed to grievous peril. This time the alarm is well-founded. Full often the cry of danger has no grounds: now they are patent and undeniable. Yet as it is only consistent for those who always see peril where it is not, to see none where it is, we should not much wonder if Mr. Baron Alderson's opinion made no stir. And the clergy have one great security in a benign law of nature, which gives dull preachers power to make their congregations parties to the fault. A lively church has usually been considered the glory of the ministry—henceforth a sleeping one will be the safety of many a preacher who may have received from hands episcopal all kinds of gifts except the gift to preach.

## LIBERTY OF THE PRESS.

COURT OF EXCHEQUER, THURSDAY, APRIL 23.

GATHERCOLE v. MIALL.

(Before Chief Baron Pollock, Mr. Baron Parke, Mr. Baron Alderson, and Mr. Baron Rolfe.)

MOTION FOR A NEW TRIAL.

Sir THOMAS WILDE—My lords, in the case of Gathercole, clerk, and Miall, which was tried before Mr. Baron Parke at the last assizes for the county of Cambridge, when a verdict was found for the plaintiff, damages £200, I am instructed to apply for a rule to show cause why the verdict found for the plaintiff should not be set aside, and a new trial had, on two grounds—on the ground of misdirection, and on the ground of evidence having been received which was not admissible.

My lords, this was an action for libel, which appeared in a newspaper called the *Nonconformist*. The plaintiff was vicar of the parish of Chatteris, in the county of Cambridge, and a parish which appeared to consist of about 5,000 persons, and therefore a very extensive parish. The libel referred to a club established in the parish for charitable purposes, and also to certain matters which had been dealt with by the clergyman in the course of his preaching in that parish. The subject-matter of the libel was the clergyman preaching in a manner that was considered by the Dissenters as exceptionable as against them, and the charity also, being founded on a principle excluding Dissenters. The libel then referred to the conduct of the clergyman preaching in the pulpit, in the manner alleged, against Dissenters; and also of his being the patron of this charitable club in the parish, founded upon the exclusion of Dissenters from that charity. The plaintiff first gave the ordinary evidence of the publication of the newspaper, charging the defendant, as proprietor of that newspaper; but he also gave in evidence a newspaper sent, nobody knew how or by whom, to the Literary Institution in the parish of Chatteris.

Mr. Baron PARKE—That is the newspaper in question.

Sir T. WILDE—No doubt, my lord.

Mr. Baron PARKE—Extraordinary means had been taken to circulate that particular number.

Sir T. WILDE—I shall have occasion to call your lordships' attention to a point in reference to that. No doubt it was given in evidence as another copy of the paper in question; whether properly proved, will be one point for your lordships to review. But, my lords, evidence, I before said, was given, charging the defendant as the person responsible for the contents of that paper; and then evidence was given, which I shall detail to your lordships, of a paper received at the Literary Institution in the parish of Chatteris. Another person, a resident also, was called to prove that he likewise had received a copy of the newspaper, and the post-master was called to prove that at about this time there had been a great increase in the number of papers, and the secretary of the Literary Institution stated that the *Nonconformist* was not a paper that was taken in for the purposes of that institution, they not being subscribers; and some evidence was given by the individual person who had received a copy. Neither of those copies were produced; no copy of the paper was in fact produced, except the copy properly



authenticated and dealt with under the statute to charge the defendant.

My lords, at the trial the learned counsel for the plaintiff said, in the course of his speech, that Mr. Gathercole had been originally educated as a Dissenter, and afterwards changed his views on the subject, and had become a member of the Church of England, and had been appointed the vicar of this parish. It also appeared that occasionally Mr. Gathercole, in the course of his preaching, dealt with some severity against the Dissenters.

My lords, the libel which complained of these two matters—the exclusion of the Dissenters from this charity, and the attacks made upon them in the pulpit by this gentleman—begins by remarking upon some observations that an establishment giving exclusive privileges to a certain class—

Mr. Baron PARKE—All that evidence, according to my recollection, went for nothing. When it had been argued that these papers were to be received, though not proved to have come from the hands of the defendant, I said yes, because it shows the general circulation of the paper. None of them could produce a paper.

Sir T. WILDE—I have read most minutely every word that passed. I shall be most happy to be corrected if I should fall into any error; but if your lordship will allow me to present my case to the Court, I shall be obliged. An establishment giving extensive privileges to a certain class of Christians has a tendency to engender want of candour and certain other feelings described; and it then refers to a few practical instances, as it alleges, of the consequences, and refers to a gentleman of the name of Mr. Jackson, who had been a party to an association which also excluded Dissenters; and then remarks upon the subscription to which Mr. Gathercole was a party. Your lordships will not understand me at all to say that the comments which have been made in either one or the other are to be wholly defended. It is violent, written in bad taste, and not calculated, from that very circumstance, to do any material injury. I only beg to state here that the verdict has passed for £200 damages. I own, in looking at it, that the very evidence—the reception of which I complain will alone account for the amount of damages—that if the editor of a newspaper is supposed gratuitously to be obtruding, in the neighbourhood of the person who is the subject of comment, copies of the newspaper, that that is evidence which, as against him, is calculated to make a very considerable impression. I will state to your lordships what occurred with respect to the admissibility of the evidence. With respect to the misdirection, it occurred thus:—The learned counsel for the defendant, in the course of his defence, insisted that this libel was a commentary excusable, as remarks upon subjects of extensive public interest, and such as were fairly the subjects of commentary: of course, if they exceeded the just bounds which would be allowed to a commentary upon a subject which in its nature was sufficiently public, and sufficiently interesting to the public, as to be properly the subject of comment, damages would be awarded for the excess in any warmth or strength of expression than the law would sanction. The measure of damages in that case would be of one sort. If, on the contrary, it was a subject upon which nobody had a right to make remarks at all, of a private nature; in that case, it would stand on the ordinary principle, that if the party could not be justified in what he said on the truth of it, the verdict must pass against him, and for a different measure of damages. My brother Byles, who was defending, addressed the jury with respect to the style of preaching against the Dissenters. He cross-examined the witnesses for the plaintiff, with the view of raising his point, and supporting it as he might be able afterwards. He was remarking upon the style of preaching, and justified the editor of a newspaper, or any one else, commenting upon what was the subject of a public sermon and course of preaching, and also upon the principles upon which an association was formed in that parish. He was remarking on the mischievous tendency of those principles; whereupon your lordship remarked to my brother Byles, in most distinct terms, that, in point of fact, a sermon preached, but not published, was not the subject of comment at all. Nobody had a right to comment upon it at all; and, further, a charity in a parish of which the clergyman was the patron, whatever might be its nature, was strictly of a private nature, and not the subject of comment. I trust, when I bring these circumstances under your lordships' review, you will think that what was laid down was more extensive than what your lordships will, on further consideration, be disposed to adopt.

Mr. Baron PARKE—I do not think you will find that is exactly correct.

Sir T. WILDE—I have it word for word.

Mr. Baron PARKE—I think I said that every one has a right to comment on public subjects of public servants—ministers, generals, judges—but not of the sermon of a clergyman unpublished. There was no necessity to decide that point, because no sermon was proved upon which this could be a comment. I intimated that was my opinion, though with some doubt. There was no necessity to decide it. This case does not give rise to the question, because there was no sermon upon which that was a comment. I said he has no right to comment upon his conduct in his private character. Therefore, if this publication was, in the opinion of the jury, calculated to injure the character of the plaintiff, to bring him into ridicule and contempt, then they were to find a verdict for the plaintiff.

Sir T. WILDE—What your lordship laid down, taken literally, was this—

Mr. Baron PARKE—I am sure there could be no doubt about that.

Sir T. WILDE—Not the least. What your lordship laid down was laid down in the defendant's counsel's speech, who was opening his defence, and the effect of what your lordship laid down was this—

Mr. Baron PARKE—It is not exactly that, because I also stated it in summing up. I wished to attract his attention to it.

Sir T. WILDE—What your lordship laid down in the course of his speech, of course would influence the conduct of the cause, as well as in the summing up. In the course of the speech, upon the learned counsel opening those parts of his defence, your lordship stated to the effect that I have just now stated, upon which the learned counsel said, "Then I must take a narrower ground," and he then sought to defend himself within the limits of the law so laid down. Now, certainly, my lords, it would have been quite idle, and a waste of time, for my brother Byles to have gone on, and to prove what was stated in the sermon, when the judge interrupted him. When I use the word interrupt, your lordship will not suppose that I mean "interrupt" otherwise than your lordship would be likely to do in a manner perfectly consistent with your lordship's duty as a judge, and with the courtesy which your lordship is always good enough to observe to the bar; therefore, when I use the word "interrupt," your lordship will not understand it in any other sense than courteous and correct. Your lordship interrupted my brother Byles by saying, that "a sermon to his own parishioners is not the subject of comment;" "it is not public property;" "it is not the subject of comment;" and that you repeated in different forms of expression, and, on one occasion, when you used that expression, you said it did not appear what the sermon was, nor could it in that stage of the cause. Your lordship interrupted my brother Byles when he was remarking, and when he put a card into the witness's hand, for the plaintiff to show what were the principles upon which the charity was founded, which the witness identified. Your lordship, in remarking upon that, said, a charity in a parish which a clergyman may be connected with, is not the subject of comment at all; it is particularly—I think your lordship used the word "particularly," or some word denoting that it was in more than an ordinary sense, a private matter. Now certainly this law, as laid down, has excited considerable anxiety and attention; and I shall have to submit to your lordships that the doctrine that sermons preached in the church of England are not the subjects of comment by the subjects of the country, is a new principle, and a most dangerous principle, and one quite inconsistent with the public good in every possible way; and likewise, that a charity which is established in a parish of five thousand persons, under the professed patronage of a clergyman, upon such principles as, I shall show to your lordships in a moment, this purports to be, is also matter of great public concernment. That which may be done in one parish may be done in all; and these are matters connected, as it appears to me, with concerns of the deepest interest to the public—connected with great public evils—for which there is no remedy, and can be none, by law; and it is only by the press, and by public opinion, that evils of the deepest importance can be corrected at all; and that if it were laid down, that the sermons preached constantly in the churches of England, open places where all the subjects have a right to go, where

they are to learn the duties of charity and benevolence; if, instead of that, the sermons are to incite party divisions, and sectarian associations, for the purpose of benevolence; and that that is not the subject of remark, I submit, it will be attended with infinite evil. I will call your lordships' attention first to the evidence. The first witness that referred to this was Mr. Fryer; and he is asked, "Are you a subscriber to the Nonconformist newspaper?" A. No, I am not.

Q. Did you ever order a Nonconformist newspaper in the month of January last? A. I never did. Q. Did you receive a newspaper? A. I did. Mr. Serjeant Byles—I don't know how this is evidence against us. Upon which your lordship first remarks—"Not unless they go on and show it is done by the defendant." Then Mr. Serjeant Byles says—"A great many persons may take the liberty of sending a newspaper about." Upon which your lordship observes—"I cannot stop this." Then Mr. Gunning states—

Mr. Baron PARKE—It turned out to be nothing, because he had not got the newspaper.

Sir T. WILDE—Nor had any of them got a newspaper: there was no paper produced, nor, as I shall submit to your lordships, any evidence that was at all admissible.

Mr. Baron PARKE—It all went for nothing: if my brother Byles, who conducted the case, was here, he would say so.

Sir T. WILDE—I have communicated with my brother Byles; besides which, I have here every word that passed.

Mr. Baron PARKE—I said, I cannot receive this as any proof of malice, as it is not proved to have come from the defendant.

Sir T. WILDE—Your lordship in one part stated, that you could not receive it as proof of malice; but your lordship distinctly laid down, and distinctly acted upon it throughout the case, that it was evidence to the extent of circulation.

Mr. Baron PARKE—Certainly; but they said, Where are the papers? they do not produce them.

Sir T. WILDE—In a few minutes I think I shall be able to show your lordships why it was not as against the defendant evidence of the extent of the circulation—not of the extent of the circulation for which the defendant could be made responsible; but it does not appear to me that the proper evidence was given of the paper at all. But in order that your lordships may be quite sure that I am instructed in nothing that my brother Byles does not sanction, I have sent for him, that he might be here, although I have had more than one communication with him on the subject, and have his notes. Although your lordship had stated upon the subject of malice what I have just adverted to,—afterwards, as the case proceeded—after the evidence had been given, the question is asked of a witness, "Was it extensively read and sought after?" Mr. Baron Parke: Whether he ordered it or not, I do not think objectionable, the object of that is to show additional malice. That is stated very near the close of the evidence; but if your lordships will allow me to distinguish first of all whether the proper evidence was given to receive the paper at all, and next, whether it was evidence against the defendant. The first witness, Mr. Fryer, I was stating to your lordship, says he had not ordered the paper. Your lordship said to the counsel, Mr. Gunning, or to Mr. Serjeant Byles—you say that "if they were not printed and published by him they would not have been sent. The evidence would not have been sufficient to connect him with it. If you had no other evidence, except a wet newspaper, that would not be evidence to bring in a verdict against the defendant. You put it upon another ground, that if it had not been printed and published, it could not have had so much publicity. You may say that a statement in a paper of large circulation may be more injurious than if it were in a paper of small circulation. I think it would be admitted that you may show the extent of the circulation without tracing home each paper."

Mr. Baron PARKE—I think that is so.

Lord Chief Baron POLLOCK—I think in the case of a pamphlet I have known evidence given of the number of copies published, without comparing each copy with the pamphlet. The publication you prove by the pamphlet.

Sir T. WILDE—I have given the evidence myself, with this remark—the defendant has printed two hundred and fifty copies: if he has got them by him he will prove it; if not, the jury will infer what has become of them—that he did not print 250 copies to keep 249 by him; if not, *realeat quantum*. Each of your lordships, in your turn, in former days, may have had occasion to offer such evidence. But that is a different thing from not proving how many copies, and from proving that somebody had the pamphlet which, from the title page, or something else, purported to be the same, without showing that the defendant had anything to do with the printing of them, or in any way connected with it, beyond that of proving that at a distance from his home somebody received from somebody—of course, I am entitled to every legal presumption—for aught I know, printed by the plaintiff to inflame his damages. I say that not as an actual supposition in the particular case; but if it could be admitted that printed libels might be proved by a certain number of copies in a given number of hands, without proving that the defendant had anything to do with the printing or the writing of those copies, or the sending of them; nothing would be more easy to prove an extended circulation against the defendant, who had in truth nothing on earth to do with it; and more particularly sending it to a public institution at a place where the party lived, as on the present occasion. Your lordship there says, I think it would be admitted that you may show the extent of the circulation of this paper without tracing home each paper. There is sufficient proof to show that the paper was in large circulation; this is one means of giving that proof. Then immediately afterwards your lordship says, "I do not receive that as evidence of malice." Then Mr. Serjeant Byles says, "Your lordship will understand me as objecting to that." Then your lordship says, "I receive it on the ground that it shows the extent of the injury by showing the circulation of the paper." Mr. Serjeant Byles repeats, "That is not evidence against him."

Mr. Baron PARKE—Go on, Brother Wilde.

Sir T. WILDE—Every word, if your lordship pleases. Then your lordship says—"They may go on." Then the question is asked, "Do you remember the date you received it?" "No." "Do you remember the date itself?" "I do not." Mr. Serjeant Byles—"You ought, if you are to go on with evidence of this kind, to produce the paper received by him." "Have you got the paper?" "No, I did not bring it." "Have you got it?" "No." "Is it at your house?" "Yes." Mr. Serjeant Byles says, "For anything that appears, it may have been the *Cambridge Independent Press*." Mr. Baron Parke then says, "You cannot go any further with this;" on which the counsel for the plaintiff put this question, "You have heard the libel read, Mr. Fryer: did it contain a copy of that?" Mr. Serjeant Byles said, "I must object to that." Then Mr. Baron Parke says, "I think you had better not press that."

Mr. Baron PARKE—Yes, certainly.

Sir T. WILDE—Now, my lord, press what?

Mr. Baron PARKE—Press the paper.

Mr. Baron ALDERSON—Press the question.

Sir T. WILDE—Your lordship has before said, it will not depend on this alone, because the other evidence shows more clearly what the view was quite distinctly. My lords, if this had been so clear as at the moment it might appear, you would not be allowed to go on calling other witnesses to prove the same thing.

Chief Baron POLLOCK—Other witnesses might have been called to see if they could carry it further.

Sir T. WILDE—And you will see how they are dealt with.

Chief Baron POLLOCK—If nobody carried that further, I should have thought the impression of the learned judge and the counsel was, not only that it did not go further, but that it did not go at all.

Sir T. WILDE—This is the last.

Mr. Baron PARKE—Not the last question—they never could prove it. I only doubted, in my own mind, whether I was not holding it too tight to oblige them to prove it.

Sir T. WILDE—I assure your lordship you are reported to have said, "Why do you go further? You have proved enough to show an extensive circulation."

Mr. Baron PARKE—I beg your pardon; if they proved that the paper was in circulation, and was not traced to the defendant, I hold that was sufficient proof of the circulation to settle the extent of the damage.

Sir T. WILDE—Then, my lord, my objection is that there was no proof of an extended circulation. That which was proved was no evidence, and not competent to prove it.

Mr. Baron PARKE—This is the inconvenience of getting one gentleman to move who was not present at the trial itself.

Sir T. WILDE—There has not been an inconvenience, but it is rather as an illustration of the contrary; because I speak from personal communication with my brother Byles and from the shorthand writer's notes.

Mr. Baron ALDERSON—There would be this convenience, that when Mr. Serjeant Byles's memory is refreshed he would not state the same thing.

Sir T. WILDE—Whether the counsel would be better refreshed by the observations than from his own note made at the time—

Mr. Baron PARKE—While the matter was going on, I was doubting in my own mind whether it had been too straight-laced, whether I could not oblige them to produce the particular paper.

Sir T. WILDE—I will go on; but if interruptions take place every

minute, it is perfectly impossible to do justice to my client, and to present the case properly to the Court. When I have stated the feigned respect that I shall to your lordships' judgment. As far as this is concerned I will resign this witness; I will not, as against your lordships' impression, press this witness, I will pass to the other.

The next witness called is Mr. Brooks, president of the Chatteris Literary Institution, which consists of eighty members. Plaintiff's counsel says—"Do you remember, early in January, a great accession of the Nonconformist newspaper one week?" "I object," says Mr. Serjeant Byles, "Was there a Nonconformist newspaper?" "I repeated, 'I object to that, every title of it.' Then the question is repeated, and the answer is—'I think it came in the second week.' 'Have you the paper here?' 'No, it was taken by some person, and not returned.' 'Do you know where it is?' 'I do not.' 'Was it taken shortly after it came?' 'It remained in the room a fortnight.' 'Did you ever hear or learn who had got it?' 'I did not.' 'Do you believe it now to be lost or destroyed?' 'I do not know where it went to. I know it is in the room; it was not taken away by my authority.' Then Mr. Baron Parke says—"You may get the contents now, I think."

Mr. Baron PARKE—Yes.

Mr. Baron ALDERSON—Because proved to be lost.

Sir T. WILDE—I ask whether that is any proof that it was lost? Here is a room, with a certain number of subscribers—eighty subscribers. The Secretary says, this being a room frequented by subscribers that somebody has taken that paper, and he does not know who. Well, my lord, surely some inquiry should be made amongst those subscribers, the proprietors, the principals of the room. The Secretary says that one of the newspapers in this room, of which there are several proprietors, is gone. "I do not know who has got it."

Mr. Baron PARKE—Eighty subscribers.

Sir T. WILDE—Yes, eighty subscribers; whether ten, twenty, or five, or how many are in the habit of attending, is uncertain, or how many at that time, it is perfectly uncertain. Everybody knows it would be a great miscalculation as to the number of persons in the course of attendance, to take the number of subscribers of the Literary Institution; but here are a number of proprietors frequenting the room, and here is a newspaper in the room for a fortnight, and it has ceased to be there. No inquiry made of any one subscriber, not one word of search anywhere; but this man says, "I do not know who has got it."

Mr. Baron PARKE—Searched in the room, looked for it in the room.

Mr. Baron ALDERSON—It is gone out of the room.

Sir T. WILDE—Yes, beyond all doubt, gone out of the room. Mr. Baron ALDERSON—The question is, whether it is reasonable. I recollect once, when I was at the bar arguing before Lord Ellenborough against proof of a document that had been traced to a pauper and was not produced; because, though he was dead, he might have left executors; and Lord Ellenborough exploded the idea.

Sir T. WILDE—I should not be satisfied with even Lord Ellenborough exploding the idea in that way. I should say that that has no law in it; it is one of those remarks occasionally made hastily, and I should not at all be deterred from urging that in another court—that if a man died, and an attempt was made of giving in evidence the papers in his possession, I should say the judge took an advantage of his situation who turned me round by saying the man is dead.

Mr. Baron ALDERSON—He died as a pauper, and the question was, whether he left executors; that is the reason he went on.

Sir T. WILDE—There would be the master of the workhouse, where he left his papers. The truth is, your lordship was young at the bar, or you would not have been put down by such an answer. It is no answer at all, that is the truth.

Mr. Baron ALDERSON—I think I should now.

Sir T. WILDE—Now, my lords, what paper is this? Is every paper with the title "Nonconformist" at the head to be taken as a paper printed by the defendant? Here is not only the paper received here as the Nonconformist paper, but as the paper printed by the defendant; but it is enough to show anywhere a paper with a heading "Nonconformist," without further evidence! The statute, it is true, for the purpose of proving publications, has said that certain things not proved to be attached to this paper shall be evidence against him; but publication is here proved—it is established. This is for the purpose of showing the extent of the injury by the extent of the circulation, and so inflaming the damages; and then an individual says he received a Nonconformist newspaper, and that is taken for granted to be another copy of the libel in question. He cannot give the date—it may have been a Nonconformist of another date, and here is nothing which can, by any possibility, connect it with the defendant, but the title at the top of the paper, "The Nonconformist," except my lords, when his lordship ruled that they were then entitled to give evidence of the contents of the paper. Where was the paper now? Why, he did not know, without any inquiry of any person whatever; he then sees a paper of this kind containing the article "as near as I could judge from a glance when it was sent." Now this is a long article—

Mr. Baron PARKE—"Looked at the paper" my note is. As soon as they had given the evidence, what I thought under the circumstances was receivable as a search as to proving the identical paper; and I said, "I think the evidence is admissible." Then he gave evidence that it was like the paper.

Sir T. WILDE—I submit to your lordship, on two or three grounds. First of all, I submit that, assuming the paper had been well established as a paper coming from the defendant, that due inquiry was not made for that paper to let in parole evidence of the contents of it.

Chief Baron POLLOCK—It was not proved to have been lost.

Sir T. WILDE—Yes, exactly; that is the result, certainly, my lord.

Mr. Baron ALDERSON—It was not reasonable evidence, that it was incapable of being produced by the person who gave the evidence.

Sir T. WILDE—That is, I thank your lordship, the translation of my objection. Now I say that, without knowing how many persons were in the course of attendance in that room—without any inquiry of any human being as to when it was first absent, when it was first missed, so as to furnish some grounds for presuming its abstraction, or loss, in some way or other; but where several persons have access to a room—and not in the shape of a coffee-house, where anybody may go, but a subscription-room—I submit to your lordships, it would be most dangerous to allow the officer merely saying, that in this room, where this was a fortnight, where it is not now, "I do not know who has it," without some inquiry beyond that. I submit to your lordships, in the language one of your lordships translated the objection, it is not reasonable evidence, that the party is incapable of producing it by reason of its being lost.

Mr. Baron ALDERSON—Take the case of title-deeds; that would be no evidence that he could not find them; but you must take the nature of the thing itself—that it is an old newspaper. Suppose it had been the back of a letter—one could not ask of eighty people whether they had taken the back of a letter.

Sir T. WILDE—No.

Mr. Baron ALDERSON—It would be material in this case perhaps; but really, but for this case, it would have been immaterial to all the world.

Sir T. WILDE—That may be said in all cases; where the question does not arise, the thing would be immaterial; but not only do I feel the justice of your lordship's remarks, that you are to look at the quality and nature of the document, but you are also to look to the importance of the occasion on which you are receiving the evidence. If you were trying a man for his life, and want to prove a treasonable paper against him, or if you are trying him for a libel, I say in that case, although the rule of evidence ought to be the same, yet nobody can doubt that more attention would be paid to see that the man was not affected by the contents of a paper which may reasonably be supposed not to be in existence. I do not believe this paper to be lost; the probability is, that if it did contain such an article, it existed, and it was somebody's interest to have taken it away to be preserved, and not to be lost; the probability is, that if this paper was taken by one of the proprietors, it was not taken, like the back of a letter, to light his pipe or his candle; but here is a paper, which it was the object of the plaintiff to show, that it was a paper interesting and important. Inquiry was, "Was it not eagerly sought after in the room?" That is done to serve the plaintiff's case in one way: it shall not be a useless blank paper to suit him for another; let justice be consistent, and if it is important for one purpose, let it be of importance for all. But the plaintiff's importance which he attaches to it, gives the subject matter, for he gives importance to it, with reference to the contents, and the curiosity which it excited; well, then, if it be so, is it more or less likely that it would be taken and preserved as valuable? Certainly not, as the back of a letter would. But I say that, looking at it in this light, that here you seek to charge a man with a libel; you seek to show that an injury, for which he is to pay compensation in damages—you seek to do that by showing a circulation in a manner and form which, even if, at the close of the case, it had been excluded as evidence of malice, nobody could feel but that, if the editor of this paper sent a number gratuitously, that he must have



had another and different motive, which would justify the comment on a matter of public concern. I say here, my lords, first of all, there is a deficiency in the evidence, because it does not show that it was a *Nonconformist* paper, purporting even to be published by the defendant; they know nothing but the title of the paper, and, as the witness says, containing the article, as near as he could judge from a glance at it.

Mr. Baron ALDERSON—As I understand, the whole of the matter was received, not as evidence of malice, because I should agree with you, that in receiving evidence of malice, it could not properly be proved without its being proved it came from the defendant; but it is received as evidence of the general circulation of the paper, and the extent of the circulation of the paper on that particular occasion. You might say the same, if a man were to say, "There is a copy of the *Times* newspaper at a particular coffee-house," you cannot say that that individual paper might not assume the name of the *Times*; if you are merely showing the general circulation of that paper, it does not signify which number it was, whether it contained the libel or not, for that purpose.

Sir T. WILDE—I submit to your lordship, it does for this reason: this was not a paper ordinarily received, this is only a particular instance of the paper being received.

Mr. Baron ALDERSON—But, if the paper is called the *Nonconformist*?

Sir T. WILDE—With respect to its admissibility with regard to malice, I deal with that as another matter at the present moment I am looking at it to see whether it is evidence of the circulation of the libel, because the circulation of the paper will not do—it must be a circulation of the libel. This purports to be a copy of the libel circulated, and it is a circulation of the libel; but if I can present it with sufficient precision to your minds, I say that that received as evidence of the extent and the circulation of the libel, is not sufficiently identified. I say that if a man was to say "I saw a copy of a paper headed the *Times* newspaper," that that would not be evidence against the editor of the *Times* newspaper, or the proprietor of the *Times*, without your going further than that; and that in this case whether there be more papers than one—

Chief Baron POLLOCK—I think if he was to say, "It was headed the *Times*, and I saw it and believe it to have been a copy of the ordinary *Times* newspaper."

Sir T. WILDE—I submit to your lordship that would not be proof. It is the same case whether we call it the *Times* or the *Nonconformist*; therefore, I would not confuse the case with two papers.

Chief Baron POLLOCK—There is the formal printing with which most persons are familiar from seeing several papers every day. You are familiar with the title of each, and at a glance you can tell whether it was the old *Times* or the new *Times*.

Sir T. WILDE—Now I ask, whether, if this had been the only evidence in the cause, it would have been receivable against the defendant, whether the verdict could have been applied against the defendant, if this had been the only evidence in the cause?

Mr. Baron PARKER—Clearly not.

Sir T. WILDE—If this is evidence of the circulation of the libel which is evidence against him, then I apprehend it would be.

Mr. Baron PARKER—No.

Sir T. WILDE—What I wish to have your opinion on is this—Here is a paper, charged with a libel, headed "The *Nonconformist*." Somebody at another place sees a copy of the paper headed "The *Nonconformist*." No evidence who is the publisher, or who is the editor, or anything more. Is that evidence against the person who is proved to be the proprietor of a paper called the *Nonconformist*? If that particular copy, with no more evidence than this, will it be laid down by your lordships as authority on the question of evidence, that that renders such a paper receivable in what I may call a criminal case; because, although this is not in the form of a criminal action, it is an action of tort, and this introduced for the purpose of heightening the fine against him, not for the purpose of any collateral point? Then the point is simply this, whether a paper, with the same title at the top, without more evidence, is to be taken as evidence as against this defendant.

Chief Baron POLLOCK—Brother Wilde, the same title at the top goes for nothing; you must have the opinion of the witness that that was the paper; that is the only mode in which he forms his opinion that that was the paper. It may be that the matter was not sifted—both parties took it for granted, it was probably the same. Otherwise I quite agree in the proposition, as you nakedly state it: if really a man states he saw a newspaper with the *Times* at the top of it, that would not do.

Sir T. WILDE—His answer is, "A paper of this kind," my lord.

Mr. Baron PARKER—Like the paper read, as I received the evidence, from the proof of a sufficient search: in my judgment, of course it became perfectly idle for Mr. Serjeant Byles to go on cross-examining into the contents: there is no doubt that it was the same newspaper.

Sir T. WILDE—I take it for granted it was received as containing a libel.

Chief Baron POLLOCK—The libel.

Mr. Baron PARKER—That being an impression of the same newspaper.

Sir T. WILDE—The probability is, that when this was received as evidence against the defendant, as evidence of circulation, when once got in, no doubt the counsel would not be desirous of fixing and continuing the attention by having the libel repeated from memory.

Mr. Baron PARKER—There was evidence of correspondence. As soon as he had general evidence he would not go on cross-examining into minute particulars of the contents of that paper.

Sir THOMAS WILDE—He would not. But, my lords, all the answer that was given (it must be what was seen, what passed, not some general impression), all that the witness proves, is that it was a paper of this kind containing the article, "as near as I can judge from a glance at it." Now, then, my lords, after that evidence is given, your lordships, upon referring either to my statement of the evidence on the instructions to me, or to the learned judge's note, your lordships will find no further evidence than this, that it had the title of *Nonconformist*, that it was a paper of this kind containing an article like that, "as far as I could judge from a glance at it."

Chief Baron POLLOCK—I beg your pardon, containing an article. You must stop; you cannot use that for the purpose of identifying the newspaper.

Sir THOMAS WILDE—I do not apprehend I could before that is got at.

Chief Baron POLLOCK—Before you can get the contents of the paper you must prove that it is lost.

Sir THOMAS WILDE—I will suppose the case of a written libel, not a printed libel. A man writes a libel, and he is proved to have handed it to a friend, or to have done anything else with it which shall amount to a publication, and somebody proves that he saw a written paper beginning, or with some remark at the top like the other, is that evidence to prove the extent of the circulation of the libel, and to increase the damages?

Chief Baron POLLOCK—Oh dear no.

Sir THOMAS WILDE—What is the difference between a newspaper and any other printed or written libel? What is there to make this evidence? You would not permit every paper to be given in evidence because the top of the written libel, in the witnesses' opinion, is like the one in question? A written one would be stronger, for the character of the handwriting would be much more important than the character of the print. But here is a paper received without the defendant being in the slightest degree connected with it.

Chief Baron POLLOCK—Except from the title at the top.

Sir THOMAS WILDE—I say that would be a most dangerous laxity if admitted in evidence.

Mr. Baron ALDERSON—Surely not in the case of a newspaper: if you always use the same type, and I should see a number 24,351 of the *Times* and if I saw another of the same number of the *Times*, I should conclude the two papers were the same.

Sir THOMAS WILDE—You might add a certain number of particulars which would give you morally evidence of its being the same.

Mr. Baron ALDERSON—You do not compare things of that sort; you take them to be the same except evidence be conjuration.

Sir THOMAS WILDE—But evidence requires something more than mere conjecture, if two papers are alike.

Mr. Baron ALDERSON—They are alike, because they are printed from the same type.

Sir THOMAS WILDE—I say that the two papers being alike is not evidence to fix it on a particular individual as his.

Mr. Baron ALDERSON—That is quite a different thing.

Mr. Baron PARKER—That is quite out of the question; it never was offered and never was received as such.

Sir THOMAS WILDE—It is offered as a copy published by him.

Mr. Baron PARKER—No, as a copy of a newspaper of which he is proved, by the regular statutory evidence, to be the printer and publisher; and then, to show the circulation, it is proved that a copy of that newspaper got into the hands of some of the witnesses; for I expressly refused to receive it in evidence of extensive circulation or malice on the part of the defendant; it was simply to show that such a newspaper, of which the defendant was proved to be the publisher, found its way into the hands of these parties.

Sir THOMAS WILDE—Now, I am submitting it is not a copy of the paper which is published by the defendant, and I submit the evidence is not given to prove it was a copy of the paper of which he is the publisher; and although the print was alike at the top, or the name was alike at the top, that you might infer that it came from the same source as the paper bearing such resemblance, that is not legal evidence of the circulation of the paper which has been issued by the authority of the defendant.

Chief Baron POLLOCK—Brother Wilde, you put the case of a written libel instead of a printed libel; you put a case which falls short of a newspaper in point of identity.

Now, let me call your attention to a case which would go very much beyond it. Suppose, instead of a libel in a newspaper, it was a libel in a printed caricature, which many persons who could not identify a newspaper would be able to identify as a copy of the thing complained of, would it not be competent evidence to say, I saw a copy of this in such a place, where is it? It was afterwards unfortunately burnt, but I did see a copy; would not that be evidence to show it?

Sir THOMAS WILDE—I am by no means prepared to say it would, but I am prepared to say it is distinguishable where the whole matter appears at one view.

Chief Baron POLLOCK—The question is whether you see enough. I entirely agree to the proposition you state, and no particular probability would be sufficient for the party to state merely, "I saw this and I saw that," unless he will pledge himself that, in his opinion, from the comparison in his mind from what he saw of the lost copy with what he sees in the copy before the court, that he believes it was a correct copy of that which is before the court; if he will not say that it amounts to nothing, and if he will say that it is a matter of observation, whether the matters on which he forms that opinion are more or less.

Sir THOMAS WILDE—Is that a copy issued by the defendant your lordship is referring to?

Chief Baron POLLOCK—Yes; but it is not whether it is a copy of a libel, but whether it is a copy of a caricature.

Mr. Baron ALDERSON—Your argument would be quite as good if they had produced the paper, because it is competent for a third printer to print exactly in the same type; it is a mere question of degree, is it not, that is your own understanding of it?

Sir THOMAS WILDE—Not at all, my lords; my understanding is this, that you have got to prove he issued two copies of the paper. If it is a *fac simile*, it is no proof.

Mr. Baron ALDERSON—If two gentlemen in this court were to produce each a copy of the *Times* newspaper to-day, do you say it would not be evidence they had both been printed by the *Times*?

Sir THOMAS WILDE—It would depend whether I was considering it as moral evidence, or whether in your lordship's place, I should certainly, in your lordship's place, say "it is not."

Mr. Baron ALDERSON—Then I should say it was conjuration!

Mr. Baron PARKER—The case begins, they were offering to prove the thing in the regular way by affidavit, then it is admitted.

Sir THOMAS WILDE—But the argument does not depend on that; he was proved to be the proprietor of the newspaper; but my argument is, that you are not at liberty to affect a man to increase the damages by showing a copy of his libel at some other place, without showing that that has been issued by his authority, and that the general appearance, such as this witness spoke to, is not that it was one of the copies of the *Nonconformist* newspaper, issued by the authority of the defendant.

Mr. Baron ALDERSON—It is evidence for the jury surely?

Mr. Baron PARKER—It is not a single paper; it is a newspaper printed for circulation. When you find a copy the witness deposes to be the same as that which is produced in his hand—

Sir THOMAS WILDE—It is a paper printed for circulation; and that the defendant may be taken to circulate a newspaper which he prints, I do not deny; but if you are going to show a circulation at a particular place, and the place where it circulated affects the question of damages, and you then produce a paper, I submit to your lordships that, if I had upon the record the evidence that has been received here, it would not stand the test of legal examination—that the paper merely with the title at the top, presenting the general appearance, would fix neither criminally nor civilly, a proprietor of a newspaper, with any other circumstance being shown than that he was the printer and publisher of a newspaper with the same title?

Chief Baron POLLOCK—I quite agree with you, Brother Wilde, as you state the proposition. But the difficulty arises when you carry it a step further, which I apprehend was the case before my Brother Parker: a witness is called, who says, "I saw a newspaper—I can't produce it;" and on the question of being lost—we must assume for the moment that that was right—he says, "The newspaper is lost; but it was a copy of this newspaper now produced;" if he says that, that is evidence to go to the jury;—if he can only say "I can't say it was a copy of this, I only know it looked like it."

Sir THOMAS WILDE—He did not pretend to say it was a copy of it.

Mr. Baron PARKER—He certainly did prove it to be quite sufficiently a copy.

Sir THOMAS WILDE—That is my complaint.

Mr. Baron PARKER—If so, it is my right receiving evidence of the contents; because the original was proved to be the lost, there was not a doubt that it was the same paper. I have it down summarily—"thought it was like the paper read." There was no cross-examination to show otherwise; there was no question.

Sir THOMAS WILDE—Will your lordship, then, take for granted on the bench what you would take for granted off the bench—that is, that a paper with the same title, and no evidence that anybody had pirated it, will be sufficient? But I say, my lords, here it was objected to that that paper was not identified so as to charge the defendant with it.

Mr. Baron PARKER—I was going on the other part: there was proof a paper called the *Nonconformist* was lost. That the witness had searched, and could not find it—he could not tell where it was gone. I said, "That lets in the evidence of the contents." You need not produce the original. In former instances I had requested them to produce the original, and, therefore, I had evidence dropped to the ground. Then I said, "Now you are at liberty to prove the contents;" then that general evidence was given of the contents by the witness; no cross-examination upon the contents; and then, that I thought to be quite enough.

Sir THOMAS WILDE—There are three stages in this. First of all, whether the paper you speak of is sufficiently accounted for by the plaintiff to allow you to go into the inquiry; that I pass by for the present moment; then, my lords, the next is, whether this is a paper that is to be considered as issued by the defendant.

Mr. Baron PARKER—I never once put it upon that.

Chief Baron POLLOCK—The question is, whether the paper lost is a copy of the *Nonconformist* newspaper of which he is the publisher.

Mr. Baron ALDERSON—Another copy of the same number of the *Nonconformist* newspaper, that is the point.

Sir THOMAS WILDE—Unless it is taken to be another copy issued by him, I submit it is not evidence of the circulation to increase the damages against him.

Mr. Baron ALDERSON—Issued by him is one thing—sent to the particular place is another; it must have been issued by him if it was a number of his newspaper, because he issues all his numbers.

Sir THOMAS WILDE—If it is to be taken as a copy of his newspaper, it is meant to be a copy printed by him; take that, of course, where you find it, as having been printed by him, you may read it; but what I am saying is, there is no evidence it was printed by him, or even issued by his authority.

Mr. Baron ALDERSON—Then it comes to this, every copy of the *Times* is not printed at the *Times* office.

Sir THOMAS WILDE—That depends on the time and purpose for which it is offered. The statute makes it evidence for certain purposes.

Mr. Baron PARKER—You assume, for the purpose of your argument, this paper was sent by somebody else?

Mr. Baron ALDERSON—Yes.

Sir THOMAS WILDE—Certainly, my lord.

Mr. Baron PARKER—I admitted it, on the supposition if a paper got there by any means, a copy of the same paper of which he was printer and publisher; that that was admissible in order to show the extent to which the paper had circulated, and, consequently, the extent of the damage to the plaintiff's character by the libel complained of.

Chief Baron POLLOCK—Not to show any malicious motive on the part of the defendant.

Sir THOMAS WILDE—That I will deal with in a moment. Meeting it as Mr. Baron Parker has been pleased to put it, I say, supposing a defendant is proved to have published a libel, and by the evidence of the Stamp-office, and so on, as by admission, required here, that how many copies the man prints, whether, having printed and published one, he withdraws them because it is a libel, whether he issues a second edition without, or what he does with it, there is no evidence. However, I say the circumstance of the man having printed a libel, that when you say it is evidence of the circulation, it is not evidence to affect him that somebody else circulates that libel; and the whole point on which it is received here is

to charge him with damages sustained by reason of the extended circulation. If that extended circulation is not by him, it is not a damage caused by him; it is not a damage for which he is responsible, and, therefore, ought not to be received; the plaintiff will be entitled to recover damages against whoever sent that paper, let him be who he may; and at the present moment the defendant has had a verdict passed of £200 against him upon the ground of an extended circulation of this paper proved in part by the witness I am now dealing with. Now, then, the question is this general question: whether a newspaper having a given title, whether that person is answerable for a paper with the same general title being found in a particular part of the country calculated to do the defendant more injury than at the place where it is originally published.

Chief Baron POLLOCK—I answer not; but the evidence must go to this extent, that the man believes it to be the same; and, whether he believes it upon good grounds or bad grounds, the jury are to judge; it is not to be taken merely because it is a paper of the same title—as, for instance, suppose a paper was headed the *Times*, when the man came to be inquired of—"What character was it? was it in old English, or in Roman or in sloping letters?" It might turn out the *Times*; the title of the paper was so different from what we are accustomed to see, as belonging to the *Times* newspaper, you would say at once that could not be a copy of the *Times*—it must come to this: the witness says, "I believe it to have been a copy of the same impression that I saw here in court."

Sir THOMAS WILDE—I have not the good fortune to convey it to your lordships. What he means is, "That this is an impression, like another impression I have seen." But when you use the words "This is a copy," what do you mean?

Chief Baron POLLOCK—So like that I believe it to be another impression from the same types of the paper in question.

Sir THOMAS WILDE—Although it may be a copy—a copy in one sense—although it may be a paper with the same contents, which is all that ought to be meant by the word copy here—a paper with the same contents, I say, unless it is proved that that paper, with the same contents, whatever may be its general contents, is issued by the defendant, of which the witness can say nothing, the defendant ought not to be charged for the mischief arising from the appearance of that paper in that place, upon the ground that it is the necessary consequence of his wrongful act.

My lords, that is the ground on which I put it; it is not whether it is the same contents; but whether it is issued by him.

Chief Baron POLLOCK—In the case of a newspaper, as he issued them all, he is the publisher of them all; and this one lost was clearly in circulation, and it was circulated by him; that is a question for the jury.

Mr. Baron PARKER—The point really is, brother Wilde, supposing the defendant proved to have issued 1,000 copies of the *Nonconformist*, and then there is proof that one of the copies issued by him was shown to the witness by a third person, by the direction of the defendant; is not that admissible to show the extent of the mischief?—because that really is the case.

Sir THOMAS WILDE—I am by no means sure of that: I conceive that to be a very questionable principle of law.

Mr. Baron PARKER—If I am right in saying that this was a case in which the search was sufficient to let in secondary evidence, the case is precisely the same; then that secondary evidence, in the absence of cross-examination, clearly shows that a copy of the same impression of the newspaper, the defendant not confining himself to this one paper, but publishing a certain number—any number you please—one of these numbers found its way by the hand, we must assume, of a third person, not of the defendant, into the reading-room at Chatteris. The question is, whether that is evidence to show the extent of the mischief done to the plaintiff's character, not to say maliciously, on the part of the defendant.

Sir THOMAS WILDE—Your lordship, in the remarks you have been good enough to address to me, assumes something to be law which, I submit to your lordships, although it has come under your lordships' view partially, is not law, nor ever held by your lordships to be so; it amounts to this—if a man writes and publishes a libel to A, he is responsible for any damage which may arise by the exhibition of that libel, by A to B, and B to the end of the alphabet.

Chief Baron POLLOCK—No; it amounts only to this—that if a man disperses a number of copies of printed libels—newspapers, for instance—and gives out to the public that he is responsible;—suppose a man scatters them from the top of a coach passing along the road or the street;—if a man does that, he is responsible for the use that may be made of those papers afterwards, wherever they may go.

Sir THOMAS WILDE—That, I apprehend, by no means is correct to the extent to which it strikes your lordship at the moment.

Mr. Baron PARKER—My observation was as regards a newspaper, which is published expressly for the purpose of circulation.

Sir THOMAS WILDE—Allow me to deal with one of your lordships at a time.

Mr. Baron PARKER—But understand my proposition—this is the case of a new paper, and it appears to me your point is really reduced to this: whether, if a third person, not the defendant, not the publisher of the *Times*, shows a copy of the *Times* to another, and says—"Read this;" that circumstance may not be given in evidence to show the greater extent of the damage. Recollecting the defendant was supposed to have published not an individual paper, but a number of papers for general circulation, is the extent of that to be proved by individual instances? Is not, in the case of a libel, the owner of a newspaper of an extended publication to be punished with larger damages than one of a limited circulation? All circulations can only be proved by steps; this is one proof of a step in the circulation.

Sir THOMAS WILDE—Now, will your lordship allow me to meet some of the points that have been thrown out, because, if they come on me so fast, it is impossible—

Mr. Baron PARKER—I throw that out as the real point; do not let us evade the point.

Sir THOMAS WILDE—It is not my habit to evade points.

Mr. Baron PARKER—I do not think you do.

Sir THOMAS WILDE—I am quite content to bow to the difficulties in any case. I have less motive for evading the points at present, because I do not feel oppressed by the weight of them. First, with respect to my Lord Chief Baron: my lord says, if a person scatters newspapers in the street, is he not answerable for the consequences which result from that dispersion?

Chief Baron POLLOCK—Within certain limits.

Sir THOMAS WILDE—That is the whole question.

Chief Baron POLLOCK—He may not be responsible, if somebody, in consequence of seeing the paper, takes up a pistol and does some mischief with it. To bring it to greater certainty, Brother Wilde, is not every publication that results from his scattering the papers for that purpose—is not every publication evidence against him?

Sir THOMAS WILDE—No, my lord, I think not. I will suppose a man publishes of A B that he is insolvent, and throws the paper down in the street, and that C D takes it up and gives it to E F, who shows it to G H, who deals with the man charged to be insolvent, whereupon he refuses to deliver goods; I say in that case the person libelled could not maintain an action in consequence of the other's refusal to deliver him goods, from having read that libel.

Chief Baron POLLOCK—He certainly could not, with reference to oral slander. I am not quite sure, Brother Wilde, whether he might not, when written.

Sir THOMAS WILDE—There are two cases that have been in this court with relation to oral slander, and in which this court took some distinctions with respect to some other cases in the decisions in this court, which do not appear quite in conformity with the decisions in the other courts; but the decisions in this court do not that length at all.

My lords, the case has arisen, undoubtedly, where individuals have sustained an injury through the repetition of verbal slander; in a case in the Common Pleas, the party sought to recover special damage which he had sustained in consequence of the repetition of the slander by the defendant. The court held the action would not lie. A case arose in this court where a party gave notice to another not to deliver certain goods to A B, because he, the party giving notice, claimed a lien; the party having the notice refused to deliver, whereupon the party being entitled to receive the goods brought an action against him who gave the notice: the defendant sought to protect himself in this court by the decision in the Common Pleas, and he stated that this person to whom notice was given had no legal answer for not delivering. Damages, therefore, might have been recovered; but this court held that, as the party had given notice, and the other had acted upon that notice, that the other might maintain an action; and in the course of that, some remarks fell from the court, upon the general principle of the liability to the consequences of slander repeated; but, my lords, nothing that could sanction the idea that, if A B utter slander of C D—whether it be oral slander, or whether by a letter—that the writer of the letter or the utterer of the slander would be responsible, to the end of the chapter, for all the consequences that might flow, much less for the consequence of the illegal act of another in the republication of that slander.

Chief Baron POLLOCK—If it is oral slander—one is obliged to



compare it—a man who slanders another by word of mouth confines that slander, properly speaking, to those who hear it. And the man who repeats that slander elsewhere is more like a person who publishes a second edition of a libellous newspaper.

Sir THOMAS WILDE—I am distressed at occupying your lordships so long; my habit is, or I hope so, to take care the point I mean to present is understood by the court; the moment that is understood by the court, I must leave the court to dispose of it. Your lordship leads me into an inquiry now on a question of law which I am fully prepared to argue; I know the authorities on the subject. I can venture to say it is no law that the party would be liable, as a general proposition, for the unlawful and unauthorised repetition of slander which induced damages to the original party slandered; but, my lords, it is too wide for it to make it useful for me to occupy your lordships on that. I will conclude this part of my objection merely by repeating, that I may be understood, that my objection is not that this may not be evidence to the jury that it is a copy; but there is no evidence to go to the jury that it is a copy issued by the defendant. It is not evidence, although called the *Nonconformist*, although taken to contain the libel—it is not evidence that it is a copy in the sense of being one of those impressions struck off by the defendant. Therefore, I say the unauthorised republication of this libel by some person sending it to the Literary Institution, wholly foreign to the defendant—that such a person, sending a copy not shown to have issued from the defendant's press, it cannot be received as evidence to increase the damages against the defendant. It is an unauthorised circulation by him; it is not a necessary consequence of his publication; it is an unlawful act by those who did it, for which they are responsible, and not the defendant; and it is not law that they may receive a copy of a libel at any distant place from the party allowing it to be proved to be a literal copy of the libel which the defendant has published elsewhere; it is not receivable to fine that defendant in damages for the circulation at that particular place. Now, my lords, on these grounds I submit to your lordships that there was no sufficient evidence that it was lost, no sufficient evidence that it was issued by the defendant at all, and, if issued by the defendant, not receivable to show the circulation was in the sense for which he is to be charged. That it proves that the libel was read at the place, cannot be denied; but when you speak of the extended circulation for the purpose of showing the injury, in an action, for which the plaintiff is to recover damages, you mean a circulation for the consequences of which the defendant is bound to indemnify. I submit the defendant is not bound to indemnify for the circulation of an unauthorised copy by some one; and, although it be true that that newspaper may publish a certain number of copies, yet it is perfectly well known that papers can be withdrawn; and it does not follow, because a certain number of copies are printed, that all those copies are circulated so as to lay the foundation that any paper produced anywhere, received nobody knows how, is one of the copies originally printed for the purpose of circulation, because I do not deny that a number of these copies of the newspaper may be printed for circulation. I therefore submit that in this case evidence has been received to show the extent of the damage, and a verdict has passed for £200 on the footing of that extended circulation; and I submit that the evidence was not, therefore, receivable for that purpose.

Now, my lords, I consider this to be a point of considerable general importance, as most questions of evidence are; and the attention they require depends entirely on the rule which is laid down being applicable to a considerable number of cases of great importance, and which I think this rule of evidence will be.

I have called to your lordships' attention, that in the course of this defence by Mr. Serjeant Byles, when he was insisting upon the defendant's right to comment on the sermons preached by defendant, and to comment on the charity, that then he was told that sermons not published, but preached, were not public property, and could not properly be made the subject of comment; that it could not stand on the ground of one of these publications, in which the rule of law is that the party must be shown to have acted maliciously, as the occasion would justify a certain commentary or mode of dealing with the subject, creating liability of a totally different nature from a libellous article published, without any justifiable or excusable cause at all; that where a man writes defamatory matter without the occasion giving him privilege to write at all, he must stand strictly on the truth or falsehood of the matter which may be defamatory of the other; but where he writes on a subject with which he has a right to deal and to criticise and comment, in that case he is only liable if he exceed a certain measure—a certain extent of license in his mode of dealing with the subject, of which only a jury are to judge, and also the same in respect to the charity.

Now, I told your lordships that this *Nonconformist*—a paper published, from the title, by a Dissenting interest—the majority of which party would, however, not approve of the tone of the article by whoever it may be written)—that they object to be treated in the manner that they are supposed to be treated by the plaintiff in the charitable institution in question, in consequence of which the following article is published in the paper. The title of the article is, "The self-appointed Peace-maker," alluding, I suppose, to the office of clergyman being to make peace and reconcile those differences in religion consistent with charity and good will between all.

"There are more ways of judging of systems of opinion than the obvious one of examining the systems themselves. The inspired criterion, 'By their fruits ye shall know them,' is not more applicable to persons than to principles. It is true that, in the use of the test, it is often necessary to draw modest excellence from its retirement, and sometimes still more painfully to violate sentiments of natural delicacy, by pointing rebuke to the abominations of the vile; and occasionally, alas! to seemingly peril the interests of religion, by covering with merited obloquy its disgusting counterfeit. Still, the principle, 'by their fruits ye shall know them,' is too valuable to be sacrificed, and held in abeyance through regard to any conventionalism whatever."

"Two instances illustrative of the moral tendency of established religions have just been made public which loudly claim the attention of the religious world. It was to be supposed, *a priori*, that the endowment of the professors of any given set of religious opinions with peculiar and secular privileges would produce a spiritual pride, worldliness of spirit, supercilious contempt for all undistinguished classes, and a cold, formal, and inactive ministry. All this would be but the judgment of candour; but far worse, we fear, will be found the deductions from fact."

"For example, in a recent number of the *Norfolk News*, we find the following paragraph:—"*PUSHYITE LIBERALITY.*—The Rev. Humphrey Jackson, rector of Holt, has intimated to the principal Wesleyans in the parish, his determination not to receive any more subscriptions for the benefit of the Lyng-in-charity of the town, as his conscience will not allow him to relieve a Dissenter. He also, for the same reason, refuses to unite with them in the management of the Benevolent Society, which association is the means of rendering great assistance to the distressed poor, during the winter months."

"Now, perhaps, the charitable reader will suppose that this revolting case must surely be a solitary one. 'Let us hope,' we fancy him saying, 'that this Jackson was the cub of some rustic squire, who, having been found too stupid for the bar, and too clumsy for the army, was only fit for the Cambridge University, and the living in the gift of the family—that he was therefore made the ghostly functionary of Holt, to keep him out of further mischief.'"

"Unhappily the candid reader is in a mistake, which we shall now proceed to correct. Every one recollects the notorious Gathercole, as an apostate Dissenter, who was twice convicted and once imprisoned for libel, and whose punishment was mitigated on the ground of his poverty; but chiefly in connexion with a libel hitherto unpublished—we mean the scandalous and disgusting letters of 'L. S. E.'"

Mr. BARON PARKE—Of some letters, but they were not put in.

Sir THOMAS WILDE—No, my lord.

"It will be recollected that this otherwise obscure individual was brought into temporary notoriety through a public recommendation of his 'Letters' by the Bishop of London; a recommendation which his lordship was speedily compelled to retract. On the subsidence of this little bustle, the name of Gathercole, together with his book, sank into oblivion; and, if the public ever took the trouble to think of him, they probably concluded that he had gone home again to goal, and was there worthily terminating his respectable career. But no. 'Lyceas, our sorrow is not dead!' And in what character does the reader suppose this destitute gaol-bird reappears? As vicar of Chatteris, in the Isle of Ely, a living worth about £2,000 a year. Here he 'makes full proof of his ministry,' and of that apostolical succession which constitutes the alpha and omega of his theology, by weekly 'dealing damnation' to all Dissenters, of every class and degree, Wesleyan Methodists not excepted, but especially to those of Chatteris, who, from their proximity to this volcanic priest, are much in the same condition as the attendants at Nebuchadnezzar's fiery furnace."

Now, my lords, comes the part. This comes next.

"Prior to the unexpected accession of Gathercole to this living, the inhabitants of all religious denominations, had amicably co-operated for charitable purposes. One of these associations was a

clothing society, for the sick poor, under the sole management of the ladies. But a few weeks, however, after his arrival, he intruded himself, with characteristic impudence, into a meeting of the committee, where, after a tirade against Dissent and Dissenters, of a most furious and insulting character, he virtually dissolved the society, by declaring that he should have 'nothing to do' with Dissenters, and he should expect his congregation to follow his example. Upon the ruins of this liberal society arose another, with the title of the 'Chatteris Church Clothing Club. Patron, the Rev. the Vicar.'

"The printed regulations of this 'Club' are now lying before us. We will select two of its rules as illustrative of the spirit of its constitution:—

"Rule 6. That, in accordance with the Apostolic injunction (Gal. vi. 10), to 'do good unto all men, especially unto them who are of the household of faith'; the benefits of the Chatteris Church Clothing Club be conferred ONLY on members of Christ's Holy Church, resident in Chatteris."

"Rule 9. That should any member be known to be guilty of drunkenness, theft, *schism*, or any other deadly sin, or of habitually taking opium or laudanum, or of doing anything else scandalously inconsistent with his or her holy profession, the money which he or she may have deposited shall be returned, and he or she thereupon cease to belong to the club."

"Such is clerical logic and Episcopalian benevolence! Because we are exhorted in the word of God to 'do good unto all,' therefore we will leave every poor woman who dares to be 'fully persuaded in her own mind' to die amidst the sorrows of child-birth, in nakedness and starvation. Because every man is chartered with a sacred right to 'prove all things, and to hold fast that which is good,' therefore every man who does not conform, whether honestly or treacherously, to our dogmas, shall be banished into outer darkness, beyond the limits of human sympathies. Hence, any person who is either an adulterer or a Baptist, a drunkard or an Independent, ought to be left to perish under the pressure of destitution without 'benefit of clergy.' Here, at least, we find a novelty in polemical controversy. Heretofore it was the habit of theologians to seek the conversion of such as were 'erring and out of the way,' by sound teaching, remonstrances, and the arts of persuasion; but at length it appears we have fresh weapons added to our Christian armoury. The wayward may now be restored by flannel petticoats and babies' caps, so that calico and diaper become means of grace and things necessary to salvation. Alas, for the parsons! Surely the history of the siege of Samaria was symbolical and prophetic. The apostate parson Gathercole obtains, whether by simony or otherwise, the wages of his treachery in the rich living of Chatteris. 'So strait is the siege with which thine enemies have besieged thee, that an ass's head is sold for fourscore pieces of silver.'"

"It would be vain to waste a sentence in reprobation of the character and conduct of so degraded a person as Gathercole; but what are we to say of the system under which a man, whose writings proclaim him at once imbecile, ignorant, and malignant, can be thus paid from the plunder of the people to spurt his filthy venom week by week upon those of whom the world is not worthy—to revile the humble piety of his neighbours, and in the licensed security of his pulpit to hold up, with an air of smug vulgarity, their works of faith and labours of love to the derision of his hearers?"

"But singularly enough the same district which is suffering under the ecclesiastical marauding of Gathercole is at this moment affording as interesting an illustration of the benign moral effects of the voluntary principle as this clerical nuisance affords of the pernicious tendency of the compulsory system. Hard by the town of Chatteris is the village of Doddington, the richest living in Great Britain, affording to the Rev. Algernon Peyton, the rector, upwards of £10,000 a year. Almost under the shadow of Doddington steeple is the village of Manea, the curate of which, remunerated for his labours with £100 a year, died some few weeks ago, as we learn from the local papers, leaving a widow and three adult children with resources barely sufficient to pay the expenses of his funeral. The wealthy and respected rector of Doddington at once took into his hands this truly pitiable case, and, by the joint exertions of all the religious denominations in the neighbourhood, upwards of £300 have been raised for the benefit of this afflicted and destitute lady, to which fund the Dissenters of Chatteris, who had scarcely even heard the name of the deceased clergyman, subscribed their money with the most cheerful liberality. Yet these are the men against whom Gathercole raves as 'blasphemous heretics,' with 'dangerous impostors' for their teachers!"

"If systems may be fairly tried by their results, we may hope to see the Bishop of Ely sway his pastoral staff over a diocese of Dissenters. And, grievous as may be the sufferings of Christian men under the scandals of a Gathercole, we are not disposed to regret the obtrusion of such men on the nominally Christian world. Like adders and rats in the physical system, they, doubtless, have their uses, however mysterious the question may be, in the social, and even in the spiritual, economy. Indeed, if they subserve no higher purpose, they may afford an accidental consolation to their more virtuous neighbours, similar to that by which *Gonzalo* comforted himself in 'The Tempest,' in contemplating the physiognomy of his boatswain—"I have great comfort from this fellow. Methinks he hath no drowning mark upon him; his complexion is perfect gallows. Stand fast, good fate, to his hanging! Make the rope of his destiny our cable, for our own dole little advantage! If he be not born to be hanged our case is miserable!"

Now, my lords, I have read the whole of this libel, and it is no part of my duty to contend that the plaintiff might not be entitled to a verdict even under the admission of the greatest licence of criticism; that is no part of my duty, and I pray the question may not be so mistaken. If the plaintiff is entitled to a verdict let him recover damages commensurate to his cause of action; and do not, because the defendant may be liable to an action, because he may have exceeded the just limits of criticism, and may be bound to pay damages—do not, my lords, let the damages be estimated on a scale not consistent with either law or with justice."

Now, my lords, this libel in this *Nonconformist* newspaper professes to deal with two subjects, with the sermons—the preaching of Mr. Gathercole, and with this parish charity."

Mr. BARON PARKE—And several more.

Sir T. WILDE—I am not aware, my lord.

Mr. BARON PARKE—Yes, the letters of L. S. E.

Sir T. WILDE—Yes, my lord; still, my lords, as connected with those two subjects. Whatever part of the libel might be considered as the subject of an action, and as clearly entitling the plaintiff to damages, take out what may be thought right; what I have to contend is that the jury ought to have been told to consider these as comments upon a subject of great public interest, and that, if the defendant had exceeded the reasonable limits, to give damages upon that footing."

Chief Baron POLLOCK—Was there any evidence of any sermon or preaching at all?

Sir T. WILDE—No, my lord.

Chief Baron POLLOCK—Or the parish charity?

Sir T. WILDE—Yes.

Chief Baron POLLOCK—What were they?

Sir T. WILDE—Of two parish charities—one general, to relieve without regard to religious opinion.

Mr. BARON PARKE—The evidence is very short, and I will state what it was. The learned baron then read his note.

Sir T. WILDE—My lord, the case was opened in this way by my friend Mr. Gunning. He says:—"It is true that there was such a club established, but that it arose out of the ruins of the other, or by any interference of Mr. Gathercole, I deny, and they do not assert that it was." Then he says, "The printed regulations of this club are now lying before us, and they are" so and so. Then he proceeds—"Why should not the members of the Church of England confine their charities," and so on. My learned brother, Mr. Serjeant Byles, was in the course of his defence insisting upon the right of the press or others to comment upon principles put forward like these as the foundation of charity, and also on the sermon, and in the course of that your lordship interposed."

Mr. BARON PARKE—He was going on at considerable length. I thought it would shorten the matter if I intimated that I did not go along with him in his observations, that you had a right to criticise everything."

Sir T. WILDE—In the course of his saying—"I say that that general charge, independent of the specific charge of writing a libel, and independent of the specific charge relating to simony and so on, I shall insist is a fair criticism." Now, this is what I pray attention to, and it is of the utmost importance, if a principle is laid down from the bench, in an assize town, like this—if that principle is of general application—that it should either receive the confirmation of the bench, that it may be known to be law, or that remedy may be had if it is deemed to be a law that ought not to continue, and your lordships would not desire to fritter away a principle promulgated broadly and distinctly. My brother Byles says—"I shall insist that this is a fair criticism upon a sermon and upon the charity, and upon which insisting on his right, your

lordship says—"Upon some public act of his, if he publishes a sermon, he makes that sermon the property of the public, and the public may make criticisms upon it; but these are rules of a society." Then some further remarks my brother Byles makes, and upon that Mr. Baron Parke says—"You cannot criticise the rules because they are not published to the world. A book that is published all men may make their observations upon, all men may criticise it. Regulations which a man makes for a private society to which he belongs are not thereby made public property so as to become the subject of remark by any body who chooses to remark upon them." Then afterwards my brother Byles says:—"I will endeavour to compress the residue of what I have to say to you in a very short compass." Then your lordship says:—"You were speaking something with respect to the right of criticism which belongs to matters only that are published. You may criticise the conduct of a statesman when he acts on behalf of the public, and any person may make comments upon his conduct. Anything in the shape of criticism upon his conduct is permitted. It is not libellous if it is carried on as a criticism, and not for the purpose of venting a man's spleen and malice, or he is not actuated by improper motives. So, with respect to literary publications, if a man publishes a work he gives it to the public; by his own acts he invites comments upon it, and every comment it is made the subject of. I will not say even fairly made; everything which is a criticism is protected, but malevolence is not protected. But I think the conduct of a clergyman managing the affairs of his parish, establishing a club for the purpose of giving charity, is not public conduct, so that every editor of a newspaper may say what he pleases in the way of criticism, not even sermons to his own parishioners, in that respect they are not public property; therefore, it seems to me, it is hopeless in you to say that the whole of this can be excused on the ground of his filling a public office, and that this is a comment on his conduct as a public officer." Then Mr. Serjeant Byles says—"It would not become me to dispute with your lordship, but I should venture to say to your lordship that one of your lordships has already decided that the conduct even of a judge himself is open to public animadversion." Then Mr. Baron Parke says—"A judge is a public officer acting on behalf of the public." Then Mr. Serjeant Byles—"So is a bishop also." Then Mr. Baron Parke—"The conduct of a bishop in superintending the clergy may possibly be so; but in regard to a person who is merely taking care of his own parishioners, I doubt very much whether any sermon he preaches could be made the subject of discussion in a newspaper, but certainly not his conduct in carrying out a charitable object or any thing of that kind. A judge is in a different situation. A judge or a magistrate, who is acting on behalf of the public, fills a different situation from a minister."

Mr. BARON ALDERSON—A judge only when he is in public. You have no right to publish what I do in my family.

Sir T. WILDE—Certainly not, my lord. A judge is then a private gentleman; he does not carry his ermine into his drawing-room!

Mr. BARON ALDERSON—If I were to establish a charity in the parish in which I live, I apprehend you could not make the rules of that charity the subject of public comment.

Sir T. WILDE—My lord, the moment it becomes a parish subject, I submit you can.

Mr. BARON ALDERSON—You are governed then by the ordinary rules which govern all libels. You may publish all that is true, but you claim the right of doing injustice *bonâ fide*—that is what you claim as a right, and that is what I doubt. I do not think you have the right to do injustice to any man *bonâ fide*, unless he be a public man.

Sir T. WILDE—The word injustice carries a great deal with it.

Mr. BARON ALDERSON—I mean you have no right to speak injuriously of a person, merely because you do it *bonâ fide*; it is not of the nature of a privileged communication. In cases of privileged communications the greater benefit to the public excuses the injury.

Mr. BARON PARKE—It is only when he fills a public character, and is doing a public act.

Sir T. WILDE—I will compress what I have to say as shortly as I can; but if your lordships will do me the favour to allow me to state what occurs to me I shall feel obliged.

My lords, let not the character of this case be misunderstood. Here is a large parish of 5,000 persons, with a great number of Dissenters in it, as appears by the evidence. The clergyman is the common clergyman of the parish—his church is open to all the subjects of the country. He is a public teacher. One of the most important duties, connected with the best interests and the happiness of society, is that of *charity* and good-will. Associations for the purpose of benevolence it is of the utmost importance should not be marked out by religious distinctions.

Mr. BARON ALDERSON—You must not lay that down as a general proposition.

Chief Baron POLLOCK—It certainly is not a proposition of law.

Mr. BARON ALDERSON—I am not sure whether benevolence may not be better conducted by each party being benevolent to his own friends—I am not sure about that.

Sir T. WILDE—Your lordships will qualify, of course, as your superior wisdom may think right, any proposition which I lay down.

Mr. BARON ALDERSON—That is the best which does the greatest good to the greatest number, no doubt.

Sir T. WILDE—What I submit is the doctrine of the Christian religion, and which I do upon authority, perhaps mistakenly; and I presume to submit to your lordships, as Christian judges, that the doctrine of the Christian religion, manifested by the perverted text referred to in these regulations, is, that you are not in your benevolence to make religious opinions the subject of exclusion. "You are to do good unto all men, especially them who are of the household of faith." But to do good to all men is not tantamount with excluding all who differ with you in religious opinions upon particular points.

Now, my lords, here is that which is the subject of comment. In the first place, a parish club. Here, my lords, is a parish club, having for the object of association that which it is extremely desirable should be imitated, and which it is of the utmost importance should not be marked by any circumstance calculated, in any parish so composed of a great many Dissenters, to produce heart-burnings and revivings, and a state of feeling the very reverse of that which the association ought to generate. It begins, my lords, by a text of scripture, and professes to found the society in accordance with that; and it begins thus—"That in accordance."

Mr. BARON PARKE—These rules were not in evidence.

Sir T. WILDE—My lord, I cannot discuss half a dozen things at once, it is impossible. The counsel is stating how he means to defend himself, when certain legal principles are laid down from the bench that govern him in his defence.

Chief Baron POLLOCK—Will brother Byles state that he meant to give the evidence or intended to do so?

Sir T. WILDE—My lord, he ought not to be asked!

Chief Baron POLLOCK—I think that he ought. I think if in the course of a cause the learned judge who is presiding throws out some general proposition of law which may be wholly unfounded, unless the counsel is thereby misled, and unless there is a statement from the counsel that it altered the course of his defence, or there is an affidavit that witnesses were ready and were not presented because that proposition was laid down, that proposition cannot be considered as having had any influence upon the case at all, and it becomes wholly immaterial.

Sir T. WILDE—I most respectfully offer to your lordships a decided objection to your consideration of any such proposition. If your lordship tells me that, if such a state of things be proved in fact, it is in point of law is of no avail, that when I come to bring that in review, with that better opportunity of consideration which your lordships have, sitting here, to that when you are in the hurry of an assize town, that I am to be asked, would you have called the evidence to prove that if I had not laid down the proposition? why, my lords, in many cases I should not be able to tell. I appeal to judges, each of whom have had extended experience, did you never, scores of times, rise uncertain of what evidence you would give, waiting to see if you could collect the impression of the judge, or if you could collect the impression of the jury, deciding and governing yourselves at last by what you so discovered? What appears in this case? The regulations are all adverted to by the learned counsel. The paper is put into the witnesses' hands, proved to be the paper circulated in that parish, in the course of the plaintiff's case. What my brother Byles would have done, if he had heard from your lordship that fair comment was allowable, would have been one thing. What he would do when you say that it is not the subject of comment at all, is quite another thing. My lords, until Lord Tenterden's time, if you submitted to a nonsuit upon the ruling of a judge, you were told you could not move for a new trial; but his lordship took a better, a more correct, a more judicial, and a more candid view. What, my lord, if I am, in the course of my defence, when I am considering in a case of difficulty what case I shall present, and the judge says, "You are claiming a right to criticise—I tell you it is not the subject of criticism;" when I govern my conduct by that, or act in conformity with that, and I come to see the judge correcting the principle which I was contending for before the jury, and, after calling his attention to it, I



yield to it, then to be told, when you come to move for a new trial, "Never mind whether the principle of law thus promulgated was correct or not, tell me how you would have acted if it had not been so laid down?" I submit such a question ought not to be put.

Chief Baron POLLOCK—The proposition laid down I apprehend must have had some practical effect on the case, or of what importance is it?

Sir T. WILDE—It was sufficient that it governed the counsel in the conduct of the case.

Chief Baron POLLOCK—Will the counsel say so?

Sir T. WILDE—Not in the sense your lordship asks him.

Chief Baron POLLOCK—Will he in any sense?

Sir T. WILDE—In any sense that he ought to be asked, he was prepared to prove these regulations, he did prove them in fact, though he did not give them in evidence. Would your lordship have done it? Certainly not. Will any judge upon the bench, who knows that if he had proved by cross-examination a paper containing certain matter, and the judge were to tell him in the course of his speech that is not the subject of criticism—why, any judge knows he would not have offered them when it had been so stated. If the principle of law was correct, what was so likely or so calculated or intended to control the counsel? The learned judge even now admitted that which was not necessary, because his object being always, if I may presume to say so in his presence, to do that which in his opinion tends to justice, and to the proper application of the public time, his lordship says he threw out this to save time. How? To prevent counsel relying upon an hypothesis, and giving evidence which would be unnecessary, and which would be useless, and when the law is thrown out in the course of a speech containing for certain principles, which principles if allowed will lead to a certain conduct of the case, he is told your principles are incorrect, and are unfounded; on which the counsel says, "Then, my lord, I will confine myself within a narrower compass;" and then it is to depend on, not whether the law is correctly laid down or not, but upon the counsel's answer to the question put, what would you have done if the judge had not said so? Why, it is enough to say how I did act when the judge did say so; and if upon every trial you are to make an examination of the counsel of what he would or would not have done, or what he was prepared to do, either by affidavit or otherwise, in case the judge had acted differently, I submit would lead to endless confusion.

Chief Baron POLLOCK—I think it would lead to endless confusion if we were to allow a new trial to be asked for merely because the judge in the course of the case had made some general observation upon a point of law which might turn out to be wrong unless that had some practical influence upon the trial.

Sir T. WILDE—With great submission, the expression is hardly correct, if it is meant to introduce a degree of generality that does not belong to the case, as to what a judge observes in the course of a case. The true proposition is this—a counsel opens his defence upon certain principles, the judge says, to correct and govern that counsel, those principles are not well founded in law; that is said at a most important point of the case. It is said for the purpose of regulating the counsel; counsel immediately says, "Then, my lord, I will confine my defence within narrower limits." What is the meaning of that?

Chief Baron POLLOCK—I think strictly inasmuch as the motion for a new trial comes in the place of a bill of exceptions.

Sir T. WILDE—Or an attain.

Mr. Baron PARKE—Attain is at an end.

Sir T. WILDE—Yes, my lord, and therefore I conceive the matter of new trial, as a matter of right, is the only remedy left.

Chief Baron POLLOCK—If it alters the course of the case that would be sufficient; but, strictly speaking, a counsel ought to tender the evidence, and say, "I hear your lordship say so and so; but take a note. I tender the evidence." However, I am not at all disposed to hold that so strictly, because, if the counsel would say that he had altered his course, or had been in any degree influenced to the prejudice of the administration of justice by what was so laid down, I would receive that statement, and act upon it; but I should expect something.

Sir T. WILDE—I conceive it quite impossible, in the great majority of cases, for counsel to give a correct answer to such a question. Mr. Serjeant Byles was furnished with evidence.

Chief Baron POLLOCK—One must know that this was probably the last case in which a counsel was very likely to offer any evidence at all. A very large portion of what was said could hardly be justified in any way.

Sir T. WILDE—That which was not to be justified was much more the subject of censure, in point of taste and feeling, than properly the subject of damages; but, however that may be, it is one thing for a jury to be told, this is a subject upon which the public have no right to remark at all; and that is the doctrine of law that has gone forth in the county of Cambridge. Dissenters are told, "You must not remark upon a sermon, however much it may denounce you;" and the public are told, "Let the charities in different parishes be founded upon ever so bigoted, ever so exclusive, a system; let you generate sectarian feelings in every parish by founding your charities to exclude those you choose to hold not to be of the church of Christ, and whom you denounce as persons apparently of the class of 'thieves and drunkards,' and of others who are 'guilty of schism.'" If such doctrines—put forward under the patronage of the vicar—it is not Mr. Gathercole's name that is mentioned—it is the public pastor of the parish that is put forward as the patron—it is the head of the church of that parish who is ready to quote this text, and to give his translation of its effect, which translation is to do good unto all men,—that is, to exclude Dissenters, and subscriptions are to be refused, and relief withheld, from persons who are guilty of schism,—I say, when a judge on the bench says that a charity founded in a parish on such principles as these cannot be the subject of comment, it is giving a licence to one of the greatest evils that could overrun the country, and excluding the only remedy, as you could not correct this by law—you can only correct it by public opinion. First of all, I contend before your lordships the doctrine, that a sermon preached cannot be made the subject of public remark, is not correct.

Mr. Baron PARKE—With regard to that, what I said was this:—"My strong opinion was that a sermon delivered to the parishioners and not published, in the manner you have read from the shorthand writer's notes, could not be the subject of remark." When I summed up the case I said, and this is the note of what I meant to say upon the subject:—"I say every one has a right to comment upon public acts of public servants, ministers, generals, and judges, but not on sermons unpublished; but there is no necessity to decide that point, because no sermon upon which this could be a comment was stated or shown." Nothing I said in the intermediate remarks prevented any sermon being read. I agree I laid it down positively with regard to his conduct on private charities, but nothing with regard to the sermon. I only said in my notion the sermon was not—but I was quite sure the regulations of a charity that he chose to establish were not—published in such a sense as to enable the press to comment upon it.

Mr. Baron ALDERSON—That is, to comment upon them abusively—you may speak of them, I suppose.

Mr. Baron PARKE—To be sure, if true, you may express your opinion that it is not judicious, but you have no right to abuse a man for it.

Sir T. WILDE—It is different whether a case goes to this, that a man has intemperately and licentiously remarked.

Mr. Baron PARKE—You have not a right to put them in the same situation as if published for the use of the world.

Sir T. WILDE—I submit there is no distinction, and I only wish this case to be distinctly understood, for the bar as well as for the public.

Mr. Baron ALDERSON—You are not to suppose he is a rogue because he is a clergyman, and because he confines his charity to particular persons. You have no more right to be uncharitable than others.

Sir T. WILDE—Do not let the question be changed; I am not saying whether this comment is one allowed by law, but I say a man has a right to comment by law within certain limits; and it has not gone to the jury whether this man has exceeded the limits.

Mr. Baron PARKE—My proposition was this, the printed rules which he makes for a private charity which he chooses to establish are not in the same situation as if he had published for the use of the world a set of rules.

Chief Baron POLLOCK—As far as the right of action is concerned, every man has a right to comment upon everything that any other man does, provided he will confine himself to the truth.

Sir T. WILDE—That does not meet the point which I am presenting to the court. Men may talk about what they please, and nobody has a right to interfere, if it is not to vex anybody; but that is not the point here. First of all, for the bar as well as for the public, I say that the judge, expressly and for the purpose of directing the counsel in the conduct of his case, tells him, in the course of the opening of his defence, that the sermons that are referred to, and the resolutions for the charity that are referred to, were not the subject of comment.

Mr. Baron PARKE—I think not, not with regard to the sermons, I never expressed a decided opinion upon that.

Sir T. WILDE—Then I must take it so. I am sure your lordship gives me the best impression that you have upon the subject.

Mr. Baron PARKE—It is so much my impression that I felt that there was a matter of doubt about it; but my own opinion was that it did not, because preaching to his flock is very different from publishing to the world in the shape of a printed, published sermon.

Sir T. WILDE—I can only state what my instructions are.

Mr. Baron PARKE—We should not have had these observations if the learned counsel had been here.

Sir T. WILDE—I am speaking from the actual notes of what passed, and I have communicated with my brother Byles.

Mr. Baron ALDERSON—Brother Byles did not say so to me when he spoke to me upon the subject.

Sir T. WILDE—I do not know what my brother Byles spoke to your lordship in private about, but from the notes of my brother Byles it appears that the principle of law was understood to be laid down most distinctly; and I will undertake to say that nobody can read the notes without so understanding it.

Mr. Baron PARKE—Just read that part of the note of my interruption of the learned serjeant in his address to the jury. I did it because I saw clearly that there was no evidence to be adduced; but I do not stand upon that. I said it for the purpose of shortening the speech. Just be so good as to read that part of the shorthand writer's notes which relates to the sermon.

Sir T. WILDE—With great pleasure. I should be as unwilling to withhold that which favoured any view of your lordship as I should that which supported my own. There is one little sentence which your lordship calls upon me to read again, which is not expressed with the same positiveness as in every other part of the case. I will read the part your lordship wishes; but that your lordship was understood to deliver, and that the language imported, taking the whole that fell from your lordship, a distinct opinion that a preached sermon, as contradistinguished from a printed one, was not the subject of comment, is perfectly clear.

Mr. Baron PARKE—Certainly not in such a way as to prevent the offering the sermon in evidence, if it had been the defendant's wish to do so. With regard to the other, I stated that positively. I knew what was passing in my own mind, and I was reflecting upon the subject.

Sir T. WILDE—If this is not the place, I will find it. Your lordship speaks of the conduct of a bishop, and there are remarks upon the charity; and after that you said, "Charities are not the subject of criticisms, nor even sermons delivered to his own parishioners; in that respect they are not public property, therefore, it seems to me, that it is hopeless in you to say," so and so.

Mr. Baron PARKE—I think it is before that.

Sir T. WILDE—No, my lord, it is afterwards. Then your lordship goes on to say, "The conduct of a bishop in superintending the clergy may possibly be so; but with regard to a person who is merely taking care of his own parishioners, I doubt very much whether any sermon he preaches could be made the subject of discussion in a newspaper, but certainly not his conduct in carrying out a charitable object, or anything of that kind."

Mr. Baron PARKE—That is quite correct, I believe.

Mr. Baron ALDERSON—It is a positive opinion as to charities.

Sir T. WILDE—In that particular passage it is so. Now, first of all, I say this is not a casual remark in the course of a case. What I have to submit is, although it may be true, that what a judge throws out in the course of a case is not to be treated as a decision, notwithstanding the jury are attending to it, and are influenced by it; and it is difficult to tell, attending as juries are likely to do, from the character which British judges hold, to everything that falls from them in every part of the case; yet this is not a casual observation—this is in the course of the speech of the defendant laying down the principle of his defence.

Chief Baron POLLOCK—I can very well understand Brother Wilde in this case, this statement made in that stage of the case under the circumstances might have been very important, indeed, to affect the course and conduct of the case, it might have been; but it would be more satisfactory to me if the counsel had been present to say that it was so.

Sir T. WILDE—Supposing I had been the counsel—I will suppose for a moment that Mr. Serjeant Byles did not mean to tender evidence, I will suppose that as a fact, I still should say that, standing here as a counsel, when in the course of his advocating those principles, although he might have formed the intention, and the preponderance of his mind might have been not to give evidence which he possessed, and which he did show he possessed, that it would hardly become him in his duty to his client, if the court were to say, what course should you have taken if the judge had not said so and so? I think he might fairly say, I beg your lordship will not put that question.

Mr. Baron ALDERSON—If a judge lays down a rule in the course of a counsel's address to the jury, and lays it down as a positive rule, then we have nothing further to inquire into except whether that is right or wrong. If you can show that what my brother Parke said with respect to private charities is wrong in point of law, I think you are entitled to a new trial.

Mr. Baron PARKE—I think the same, because possibly it might affect the damages.

Mr. Baron ALDERSON—But I do not think that it is so with respect to the sermon, it is expressed with a doubt.

Mr. Baron PARKE—I laid down that you had no right to comment upon rules which a clergyman or any other man makes for the conduct of a charity which he establishes. If I am wrong in that, that observation might affect the damages, and you will be entitled to a rule for a new trial. Whether I am wrong in that is the question. With regard to the sermon, I always expressed my doubt about it. When I came to sum up the case to the jury, and to state the law, I told them what the law was generally with respect to the libel; and with respect to the sermons, I said my notion is with regard to sermons, unless they were printed and published, the public at large or the public press had no right to comment upon them; but it was unnecessary to decide that point because, there was no sermon given in evidence on which that could be a commentary.

Sir T. WILDE—I cannot turn to the note at the moment, but the expression of your lordship was, you had no occasion to take that into your consideration, as it did not appear before you; whether that is before or after your lordship addressed the jury—

Mr. Baron PARKE—Just after I had done. I had said no sermon upon which this could be a commentary.

Sir T. WILDE—Nor would there be likely to have been. I am sure I can answer this, and I answer it with the more confidence, because I appeal to your lordship, that if you had been counsel, and had intended to prove the sermons—

Mr. Baron PARKE—Yes; nothing I said could possibly prevent the proof of the sermon.

Sir T. WILDE—Your lordship does not know what I was about to say. You have so long adorned the bench, that you have forgotten what it is to be at the bar, and the difficulty of presenting a case against continual interruptions. My lord, I say, and I appeal to your lordship—and I should be quite as content to appeal to your lordship individually, as to your learned brethren upon the bench—I have known your lordship too long on the bench not to be quite satisfied of your perfect love of justice, as well as your high accomplishments in point of law; at the same time a judge at assize, in the hurry of an assize town, may occasionally, beyond all doubt, express opinions that he is not disinclined to review at a calmer opportunity. If a counsel, in the course of addressing a jury, before a judge, without meaning to flatter your lordship, I may say of the estimation of your lordship by the bar, if your lordship were to say what is here said, that you doubt very much, having before expressed the opinion without the doubt which I have read, whether sermons preached could properly be the subject of comment, looking at the principles which govern us in the conduct of business, never giving a reply when it is a case for damages, unless it is considered essentially necessary; and when a judge of standing and of high reputation first says positively that such sermons are not public property, and then says I doubt very much—I say, no barrister would, before that judge, give in evidence the sermons in a case of this sort, and that it would control and would govern him. But, my lords, I say that the doctrine itself is of so much importance that, having been once promulgated from the bench in such a county, it is of the utmost importance that that principle should be brought under the review of the court—Whether the sermons of a clergyman throughout this country, delivered so often as they are—whether they are excluded from comment by the public press and by the public. Now, my lords, I will dwell no further on the subject of the sermon.

Now, my Lords, with respect to public charities—my Lords, charities and the principles on which they are conducted are of the last importance. Look, my Lords, at the situation of Ireland at this moment—look at what Mr. Gathercole's comment would give—"Do good unto all men but not to the Roman Catholic." "I will found my charity upon the doctrine of the Christian Religion—that Religion which would open your heart, which would expand your benevolence to embrace all that Christianity embraces. I tell you the meaning of that text is that you are to limit it to the Church of Christ, that is, to those who agree with me in opinion." Will any man say, or can it be said, if this may be put forward under the patronage of the clergy, that it is not a subject of universal general interest to the country—that if one

parish may do it all may do it—that it is an evil for which there is no correction but public opinion and the public press; and that, as to that which is to go to the general distribution of charity in the country, you are not at liberty to say this is an abominable perversion of the text, that this is the result of either a bad system, or the result of a very vitiated mind, or that you may make remarks, showing how inconsistent is such conduct, and such resolutions; that you are to associate, under the pretence of carrying into effect, the doctrines of Christianity, but you are to find yourselves divided by the smallest distinctions in Religion; and you well know when once the division takes place, generally the smaller the distinction the more violent the feeling of opposition—to say the principle on which parishes are to establish charitable funds put forward, not under the sanction of this name or that name of a man, but under the sanction of the Clergyman of the parish by his office; that the public may not remark upon this—upon the tendency of any of the rules of such an establishment—I submit to your Lordships is not law, and cannot be law, for this reason, that it is a subject in which the public are most deeply interested. It is a subject which goes to the happiness of the country from one end of the kingdom to the other, and that which is attended with such consequences stands upon the footing of all right of public discussion which is the foundation of your right to remark on Courts of Justice—on Ministers of State—on Judges and on Bishops and upon all classes; it is that the public interest is involved in their conduct in certain cases, and especially, I should say, in the administration of a charity like this: Can anybody say the public are not interested whether Mr. Gathercole's opinion, and whether the principles of the Charity, are correct or not—that the authority of those should either be quoted or acted upon or impugned? I therefore submit to your Lordships that this is not to be treated like a few persons meeting together for the purpose of charity—it is the *Chatteris* Charity Club—it is a parish of 5000 souls—it is a parish with a great many Dissenters; it is a club headed by the Clergyman, and evidently in contradistinction to a club to give charity and benevolence to the poor of all classes; this Charity is established for the express purpose of limiting it to persons of a particular faith; and the very resolutions *slander*, in a most painful degree, those of an opposite opinion, by excluding them from being of Christ's Holy Church and putting them upon a footing with persons who ought to be excluded—those who are guilty of schism, or in other words differing in opinion from the doctrines of our Church, that they are classed as persons unfit to be even contributors—their very contributions are contaminated, and the parishioners of the Church of England, that portion, are not to associate with them, nor to derive funds from them to be applied for the purpose of relieving distress. I submit it is not a private matter—it is not a few that are assembled—by its title it is the *Parish Club*, it is the *Chatteris* Club; it is put forward with claims to patronage because the patron is the Vicar; that, under such circumstances, it was at liberty to the press and to individuals to make fair and proper comments. To the extent that the libel in question exceeds fair and proper comments, the party would be liable to an action; but it has never been considered how far a party had a right to comment and what is the excess for which he ought to pay, and he ought to pay only for the excess. The verdict, which has passed against him, is on the footing that he was wholly wrong. And I say it is perfectly plain that at the time the opinion was delivered it was intended to regulate the counsel in the conduct of his case, and every reason fairly to suppose that it would have such tendency. I therefore submit to your Lordships that the doctrine laid down excluding sermons from criticism is not consistent with the liberty of comment, and liberty of the press, and liberty of comment in all other respects—that sermons, whether printed or whether preached, are equally open to public opinion and public censure—the public charities of the parish and the principles on which they are established, principles which receive the sanction of the Vicar, are matters of great public concern, which the public may remark upon in a decent and proper manner.

Chief Baron POLLOCK—I am very anxious to see what is the distinction between the one class and the other?

Sir THOMAS WILDE—As to what class?

Chief Baron POLLOCK—I will tell you. It may be laid down generally that, as far as our action is concerned, everybody has a right to comment upon everything, provided that he will only make just remarks upon facts that are fair. He may go into private life, he may comment upon everything that in any way interests the world, or that does not interest the world; where the public is interested, or have no interest; provided he will confine himself to truth in point of fact, and justice in point of comment. But there are certain cases—there is another class of matters—with respect to which you are not confined to justice, and, possibly, you are not even confined to truth; you need neither be just nor true; it is only necessary that you should be *bond fide*; if you are, therefore, wrong in your facts, but you *bond fide* believe the facts to be true; if you are unjust in your criticism and observation, but it is made *bond fide*, and you are not perverse, but you are merely wrong; that you *bond fide* make remarks that are not warranted by what is before you, but *bond fide* make them, then you are not open, and you cannot be challenged, either in an action or in an indictment, and the question then is this—whether the conduct of a clergyman in preaching, or the conduct of a clergyman, or any one else who establishes a charity, going beyond domestic charity—whether the sermons preached, not published, and charities by a clergyman, or any one else, going beyond the domestic circle—are open to the more general remarks, which may neither be true, nor be just, provided they are *bond fide*: that is the question. Is that the question?

Sir THOMAS WILDE—Yes, my Lord.

Mr. Baron PARKE—Can you treat the private regulations which I make for my own charity as an individual—or, supposing I am a clergyman, and choose to establish a charity in the parish—can you treat them exactly in the same way as if I had published to the world a series of rules and regulations of the same kind as a literary work?

Sir THOMAS WILDE—I am cautious in answering a general question. Mr. Baron PARKE—Would you place me as an individual, if I chose to establish a charity, and make rules for it, and have those rules merely written or printed for the use of the persons to whom I may choose to administer charity—can you treat me just in the same situation as if I had published a work containing the same opinion, or some rules for general circulation, and invited the opinion of the public upon it?

Sir THOMAS WILDE—It does not appear to me to be necessary to go that length.

Mr. Baron PARKE—Then does it make any difference—I, who write these rules, write them as a private individual, but, as a clergyman, mean to make use of them within the limits of my parish: that is the proposition. We all know that if a man gives to the public any work, that he invites criticism on it; and if criticism is made, whether just or not, if made in an honest spirit, and with no intention to produce injury merely, whatever names he may call the author of that work, he is *dispunishable*, because that rests upon the principle that you have presented your work to the public at large for the opinion of the public upon it, and you have no right to object to that opinion, whether adverse or not, or whether the effect of it may be to hold the writer of that published work up to contempt and ridicule: it is all the consequence of his own act, in choosing to offer it for public comment by a public act. Can you apply the same rule to a man who wishes to do charity in a private way—who confines it to a certain neighbourhood and certain individuals—does it make any difference whether that individual is a private gentleman, living on his own means or otherwise, or is a member of the Church of England or Dissenting Minister, or fills any other character? My opinion was, and, I must own, still is, that there is a wide distinction between the two, and that you cannot proceed to attack these regulations of a private individual in the same way as you have a right to attack a literary work which is given to the public, and on which, by the act of giving publicity, observation is invited.

Sir THOMAS WILDE—I do not know whether your Lordship addressed it to me with a view to my making remarks.

Chief Baron POLLOCK—Forgive me. I assure you—probably I need not assure you—that I make the remark solely with a view to have an answer to it, if an answer can be given. It very likely may be. Charity you say—and justly say—the public have the deepest interest in: so they have, in the diffusion of knowledge. But suppose a book club established in the neighbourhood, with private regulations—that is, *private*, as far as that book club is concerned—can they be made the subject of criticism, in the sense which one understands what criticism may do—that is, may neither be right in its facts nor just in its judgment—can you do that with the regulations of a book club? Yet the diffusion of knowledge is probably almost as important as the diffusion of charity.

Sir T. WILDE—You may accumulate a vast number of cases, in the course of which there is no great difficulty in seeing those cases are distinguishable, even by broad lines, when they are so accumulated. Certain questions have been put to me. I will state to your Lordships my answer, and I state it the more readily in the hope to be corrected; because it does not appear the answer is open to any difficulty. If your Lordships think different, I must be wrong.

I will first take the case your Lordship gives me. You introduce—both my Lord Chief Baron and Mr. Baron Parke—the word "private."

Chief Baron POLLOCK—Leave that word out—take the fact.

Sir T. WILDE—First, I deny the word "private" has any application to this case.

Mr. Baron PARKE—Take two things—take first the case of myself—



a private individual, having no public function to perform; then, secondly, whether my case is different from that of a clergyman who has public functions, not exactly in establishing a charity. Is it true, with regard to myself, as a private individual, if I choose to establish a charity in my parish, with regulations of any kind—I do not choose to make it public—confine it merely to myself and the objects of my bounty—that the press has a right to consider that as a donation to the public, and has all right of observation on what I have done? If I am correct in saying that is not so—that it does not, therefore, become public property in the sense a literary publication is—there is a distinction between my act, as a private individual, and the act of a clergyman?

Sir THOMAS WILDE—The several propositions which are put to me are distinct. I would first, my Lords, protect myself from this: your Lordship puts to me cases that admit of a very different answer; and even if your Lordship should differ with me on the correctness of the answer I give on any, it does not necessarily infer I may be wrong in the point in question; I may be wrong in some of the numerous cases your Lordships put, without being wrong on the point before the Court; which, I beg, therefore, may be kept distinct. I say if A B forms an association with a few friends, for the purpose of a book society, and the object is to be secret, it may be a very difficult question to what extent—if anybody becomes possessed of the knowledge of the rules, and think them exceptionable, they may comment upon them. But I think the authority to comment, either upon books published, or upon the conduct, depends upon one broad, general principle—have the public an interest in the subject matter?—is the public good connected with it? I can conceive a case without answering what my Lord Chief Baron puts to me with a direct answer; where a number of gentlemen associating for the purpose of reading books, whose rules might get abroad without their intention, justly the subject of public censure; I can imagine such a case. But, as a general principle, I should say that an association intended to be private—that an individual who should obtrude himself there and get possession of the knowledge of those rules, that the probability is, abstractedly, that he would have no right to comment. For why? Because it was wholly without the class of cases upon which you have a right to comment—that is to say, the public have no interest in it; but let me be able to show that from the character of individuals—their station in society—let me get a high judicial character associating in private for an improper purpose—such as a class of books—I should then submit to the Court with deference, but not with despair, that such conduct, even although not intended to be public, yet becoming public, the public would have an interest in it, and might comment upon it.

Chief Baron POLLOCK—No doubt, justly; and upon true facts. Sir THOMAS WILDE—No, my Lord; I do not touch one class of cases your Lordship put to me—they are so wholly free from doubt and difficulty—the right of the public to remark justly upon matters, that I need not trouble your Lordships upon those. I am always supposing, and I take for granted, the case your Lordships put is, whether the party can excuse a commentary more severe, and containing matter which would be excused from his having a right to criticise, and not from its truth; otherwise, I have nothing to consider at all; if he can justify the truth of what he says, for the fairness and candour of what he says, in all probability, he has a good defence on general principle.

I say, therefore, in order to take the cases that I do not waste your Lordships' time, take my Lord Chief Baron's case. I say, taking the case simply of a few gentlemen associating for literary purposes, under certain rules, that, generally speaking, there would be no right to comment upon those rules. But, I say, subject to exceptions and to correction by your Lordships, that if those persons were persons whose conduct could have a public influence, and who had been associating for that which, if generally done by such persons, would be publicly mischievous, if it did become public, I should submit, as I said before, not with confidence, but without despair, to the Court, that it fell within the class of cases of the public having an interest, and therefore the public would have a right to make comments upon it.

Now, my Lords, with respect to the several cases Mr. Baron Parke put—your Lordship is good enough to ask me what, if you choose to dispense private charity upon certain principles—my Lords, I must know what is meant by the word *private*, if you mean—

Mr. Baron PARKE—Make a parochial club, in which I choose to give relief to members of the Church of England.

Sir THOMAS WILDE—The moment you make it a *parish* club, that moment I submit you have departed from all meaning and sense of the word *private* that properly belongs to the case; for the purpose of avoiding public mischief you are not private.

Mr. Baron PARKE—Suppose it is such inhabitants as I choose to permit?

Sir THOMAS WILDE—My Lord, there would be nothing at all in it. But if you should, in the exercise of your charity, select to do what you will with your own in such a manner as would be thought to be attended with public mischief, I think if you did that in any manner as connected with the *parish*, that you would be the subject of comment; and I think for the principle that I lay down, or that I presume to suggest. Can it be said each parish, or that the gentlemen of each parish, may establish an association, because they limit it to the parish, and because it is gratuitous, that the public have no interest in the principle on which they associate? Such a principle can hardly be maintained.

Mr. Baron PARKE—Have you a right to take my written rules or printed rules, which I print for the use of that society—print in a newspaper, and say what a *scoundrel* I am for that?

Sir THOMAS WILDE—I do not say what a *scoundrel*; I can't discuss a case associating such a word with your Lordship's name.

Mr. Baron PARKE—May you treat me?

Sir THOMAS WILDE—That is not the question.

Mr. Baron PARKE—May you treat my acts, in making regulations for a set of private individuals, in the same way as if I had given it to the public in the shape of a pamphlet, and invited their attention upon it, and give your opinion in the same way, and in as strong terms as I please?

Sir THOMAS WILDE—What can be the meaning of telling me they are given to a *whole parish privately*? Has it any intelligible reason—that you give to 5000 persons *confidentially*? It is a total perversion to call it *private*: it is given to invite subscriptions from all persons: it is put forwards under the patronage of the Vicar. To say that that which is established for the purpose of general relief to the extent of 5000, and inviting the whole parish to contribute—to call that a *private* matter appears to me to be attended with the greatest mistake and confusion, with due respect to your Lordships. The question is, can what is done in a parish of 5000 affect the whole country? Can it affect the interest of those 5000? If what you do among those 5000 can affect any considerable portion of that 5000, have not the public an interest in the good of those 5000, or any portion? Have we not in London an interest in whether, in the parish of Chatteris, doctrines of a most harsh and most unchristian nature are published? Certainly we have. Such principles, when once rooted, are not limited in their operations; they are more fruitful than good principles; and to say no man in London may remark upon the principle of an association of 5000 persons in the County of Cambridge, I submit to your Lordships, is to say that the public, having an obvious distinct interest in the matter, has no right to protect their interest. I have before called your Lordships' attention that Mr. Gathercole's name is not put there; it is his office that is put there—it is under the patronage of the Rector. Whoever talks of a private subscription under the patronage of a particular gentleman? The moment you talk of patronage—the moment you publish regulations—the moment you invite subscriptions—the moment you classify the objects of your bounty, it has got beyond anything which can exclude the interest of the public, under the sense of its being private. Therefore, my Lord, not presuming to say but what an individual may form a private union with a certain number of persons to dispense charity in such a manner as to exempt themselves from comment—not meaning to say that such a case may not exist—I say, when it is put forwards as a parish subscription, under the patronage of the Vicar—when it is composed of several classes of Christians, Dissenters of various classes, of persons associated with the established religion of the country—in such a case, I say, the word *private* no longer has a place; and that for a Court of Justice to say that the public has no interest, has not a deep interest in the principles upon which the Vicar of the parish of Chatteris, combined as I have stated, causes an association, and heads it for the dispensation of charity—looking to that principle in relation to the feeling, and connected with the exclusion of a certain class of Christians, appears to me, to say in a Court of Justice that which no man out of a Court of Justice would say for one moment.

I therefore submit to your Lordships, although it be true that there may be supposed some private associations for literary purposes—some private union for dispensation of charity, whose rules and regulations would not be the subject of comment—yet, if your Lordships think the mode of dispensing charity under these rules is a matter in which the public of Chatteris had an interest, that the public is sufficiently large in Chatteris to give a just right to criticise; and I submit that the invitation to persons to subscribe on such principles is a thing that ought to be prevented—that the public have an interest to prevent it—and that, by an appeal to the good sense and fellow-feeling of the public, you have a right to prevent it.

I again say, probably the defendant would be liable to make damages; he may have exceeded the limits. The verdict has passed on

the ground that he had no right to comment at all, and that has created a false estimate of damages. I submit, the principle of law laid down, both as regards the sermon and as regards this Charity, is a principle of law inconsistent with public interest, not founded on a just principle of law, and at least as deserving of your Lordships' very grave consideration, by the granting of this Rule.

Mr. Baron ROLFE—Brother Wilde, allow me to ask you this question. The only plea is Not Guilty. The question is, not whether or not this might not have been made a defence, but whether it can be given in evidence on the plea of Not Guilty.

Sir T. WILDE—Of which there is no doubt. Mr. Baron ROLFE—There is no doubt you may make any comment you please on anybody. But the question is, whether this act is one of such a public character, that, on a plea of Not Guilty, you may give it in evidence.

Sir T. WILDE—Whenever the matter of defence. Mr. Baron ROLFE—We had not our attention specifically called to the pleadings.

Sir T. WILDE—I apprehend it will be found it was not necessary. Mr. Baron ROLFE—No doubt a man can comment on the conduct of a General, if it was a *bona fide* one.

Sir T. WILDE—Whenever the party is commenting on an occasion which he sets up as excusable, in that case it is a defence upon the general issue.

Mr. Baron ROLFE—I was going to put it. If I had written a month ago a comment on the conduct of any of the Generals in India, and said they were conducting themselves in a very pusillanimous and a very absurd way, and drawing down impeachment on their heads—if, although the facts were all false, I charged it *bona fide* on the plea of Not Guilty, I might give it in evidence. Your proposition I understand to be this, that commenting on rules under which Mr. Gathercole administered his charity in the parish of Chatteris comes within the same category?

Sir THOMAS WILDE—Yes, my Lord, sufficiently public.

Mr. Baron PARKE—That there is a justifiable occasion or excuse of publication of slander or libel, by reason of the act done by the plaintiff in instituting this Society. Where it is the case of literary property, you give evidence of not guilty because there is a justifiable occasion for publication of your remarks independent of the truth of them. That justifiable occasion consists in this, that the plaintiff has made a present to the public, and has invited remark on his work by the act of publication; that is the justifiable occasion.

Your proposition is—by a clergyman establishing a charity, the subject of subscription in his parish, he is in the same situation as if he had published certain regulations, and invited their opinion upon them.

Sir THOMAS WILDE—I think he is in the same situation, but that he has sufficiently published for this purpose. You may remark on the conduct of an actor; you may remark—

Mr. Baron ALDERSON—You may remark on the acting of the gentleman, but not upon his conduct.

Sir THOMAS WILDE—I beg to distinguish between whether the man exceeds the just limit; here I am discussing the question of right to remark at all.

Mr. Baron ALDERSON—Certainly not. My Lord Chief Baron has explained the two class of cases you have a right to discuss.

In regard to public taste and public morals—not by going into a house; but if the clergyman of the parish recommends a particular system to his parishioners, in the way done here, that the public have such an interest that you may comment as you may criticise a book, not because the man has given it to the public, but there is something before the public intended to be publicly read, the public have an interest that its taste should be correct and well regulated.

Chief Baron POLLOCK—That lets in this consideration, as far as you appeal to the benefit of the public—whether, truth being the foundation, and justice the spirit, in which the observations are made, won't at all times answer all public good.

Mr. Baron PARKE—If you rely on the truth, you must plead it. Here you say in substance, by pleading Not Guilty, I did not publish anything calculated to injure the plaintiff's character, or, if I did, he gave me a justifiable occasion or excuse for so doing.

Sir THOMAS WILDE—My Lord, I do not say so as the ground of my rule; what I say as the ground of my rule is this—that if I had a right to comment, and I have exceeded the due limits, the jury should be told to give damages for the excess, and not on the ground I had no right at all.

Mr. Baron PARKE—You have no right to comment unless the facts establish there was a justifiable occasion to comment; you had no right to comment, or to say anything that is true under the general issue—all the general issue allows you to say is, "It was no libel, it did not tend to injure the plaintiff's character." Secondly, if it did, there was justifiable occasion or excuse, which makes it not so. Then I certainly told the jury there was no occasion or excuse in establishing a private charity; he had never asked the public opinion of it.

Sir THOMAS WILDE—I will just read one sentence that fell from your Lordship. When your Lordship came to sum up, I will read one sentence:—"Supposing a sermon was to be preached by a clergyman to his own parishioners, I have yet to learn there is any right on the part of the press to criticise that sermon, or to say whether it is good or bad."

Mr. Baron PARKE—Go on, will you?

Sir THOMAS WILDE—"It is unnecessary to offer any opinion upon that, because I cannot find any evidence in this case, or any statement in the libel itself, or anything in the proof elicited from the witnesses on the part of the plaintiff, to show there is any sermon which was the subject of this comment."—My remark on that is, it may very well be, there is no evidence.

Mr. Baron PARKE—With regard to precluding evidence of the sermon being given, I am quite confident that never would have been mentioned, if my brother Byles had to move the case; because, most unquestionably, although I may, according to that short-hand writer's report, have expressed an opinion rather in stronger terms in one part than another, unquestionably, I know, from what was passing in my own mind, that I did qualify that, and did not express a strong opinion.

Sir THOMAS WILDE—If the rule on that part depended on it, I beg your Lordships would hear my brother Byles on it.

Mr. Baron PARKE—I am perfectly clear on that part of the case. I never did express a decided opinion. If you look at all I said together, it is clear I did not. With respect to the evidence, the long and short of the case is this—when the other newspaper was offered, which it was suggested in the opening speech of Mr. Gunning had been industriously circulated in the neighbourhood of Chatteris, and given to persons who did not take in the Nonconformist newspaper—when the point was first urged, I said, "Do you propose to affect the defendant with the actual sending of this paper to that particular place?" When the plaintiff could not do that, then I said, they are inadmissible in order to aggravate damages upon the ground of malice, but I should receive them as proof of the circulation of the newspaper. Then Mr. Fryar, the first witness, was called, for the purpose of proving the paper having been sent to him by some unknown person. It turned out ultimately—(when I said I should receive it, I expected the newspaper would be given in evidence)—he had left the newspaper at home; then, doubting in my own mind whether I was not rather too strict on that, I said, "I cannot receive evidence of the contents, you had better abandon that head of evidence." Accordingly, in Mr. Fryar's case, it was given up. Then they made a second effort to show this circulation had taken place; they proved that by the circumstance of its having been sent to the public reading-room at Chatteris; and then upon proof of the loss of the newspaper satisfactory to my mind, considering the nature of newspapers, I admitted secondary evidence of its contents. That secondary evidence was given. There was general evidence that it was a paper called the Nonconformist, containing precisely the libel, according to the best of the witnesses' recollection, the subject of this action. I thought that was ample evidence to show that one of the prints of the newspaper, of which the defendant was the publisher, and of course he did not print one copy, but many—that one of those prints had been sent by some person, not the defendant, to that room—then I thought that was admissible evidence to show the extent of damage; if I am wrong in that respect there ought to be a rule. I conceive if any person, not the Editor of the Times newspaper, sends the Times paper, published for the purpose of general circulation, to particular individuals, and those individuals read it, of course the article is likely to make an impression prejudicial to the plaintiff—that that is a circumstance that may be taken into consideration in aggravation of damages. It struck me then, and strikes me now, there is ample evidence of one of the prints of the Nonconformist Newspaper, one of the impressions published by the defendant (which he admitted to be proved) found its way into the hands of third persons in the Reading-room at Chatteris.

I am certain I did not receive it on the ground that the defendant was thereby proved to have been industriously circulating the newspaper, and so aggravated the damage against him, as on the ground of his being actuated by private spleen or malice; but that that was to be considered as the proof that the papers were in more extensive circulation, by the single act of its being left in the Chatteris Reading-room.

Then with regard to the rest of the case, certainly I interrupted my brother Byles making a remark, as my brother Wilde has stated, with

respect to persons—certainly I never meant to bind myself by that opinion. I have a strong opinion on the subject I own, and I retain that opinion still; but when the case was closed—my remarks being made for the purpose of shortening very long observations upon that subject—when the case came to its close in regard to the sermon, I expressed no opinion. I had before said it was unnecessary to decide it, because there was no proof of any sermon that could be a justifiable occasion of those remarks; and with regard to the parochial subscription set on foot by the clergyman, I thought the clergyman, in so doing, did not thereby make that act the subject of comment, and give a lawful occasion to everybody to remark upon it in the same way he would as if he were publishing a literary work, and so presenting it to the public; nor was his act a public act in the same way as the act of a Magistrate is in the administration of justice, or a General in conducting an army, or any public officer in exercising for the benefit of the public a public office. Then that position he is in gives occasion to the public to make all remarks on his conduct, and if those are made in a fair spirit, they are justifiable under the general issue. It seemed to me there was no occasion—in fact, a man making a regulation for his own parish—which could be a lawful excuse for the publication of these remarks. I have stated the view I took of the case at the trial: my learned brothers will now say whether I am right or wrong.

Chief Baron POLLOCK—I believe we are all agreed that there ought to be no rule in this case; certainly, I am decidedly of that opinion.

The rule is moved for on two grounds—first, upon the reception of evidence which ought not to have been received; and, secondly, upon the ground of misdirection. The first ground appears to have been taken on this state of things: the defendant was proved to be the publisher of a paper called the Nonconformist; the libel itself was proved by the production of one paper—it was admitted, I understand. It was proved, by an admission, that he was the publisher of the newspaper. One paper was produced containing the libel complained of; and it was proposed to prove that other copies of the newspaper had been in circulation, with a view, not to show the malice of the defendant—because for that purpose a publication especially by him at the place where they were found, probably ought to have been proved—but with a view to show the extent of the mischief that might have been done to the plaintiff who complained of this wrong.

Several witnesses appear to have been called who were examined up to the point of not being able to prove to the paper, and then they were not allowed to proceed in their evidence, and I own it would have occurred to me, without any further explanation of what passed; for instance, with Fryar; it amounted to this; as you can carry the case no further than that, here you stop, all this goes for nothing—that appears to have been the case with several other witnesses, or with one other;—no stress appears to have been laid at all upon any case except where a newspaper was either mislaid, or was lost, and evidence given of its contents. With respect to the witness Brooks, he appears to have seen a paper, which he took upon himself to say was one of the papers of the Nonconformist complained of. I think that is the effect of his evidence, and I think that must have been understood by the learned Judge, by the Counsel, and by the Jury, to be the effect of it; whatever terms were used that he meant to say; upon grounds more or less clear and positive, that upon some grounds I take upon me to say that I saw a paper. I give the contents of it only on the rule of evidence that it's lost, and therefore evidence of the contents may be given.

Now this evidence is complained of upon three grounds—first, that there was no evidence that the paper was lost;—I think the evidence of a matter being lost, upon which secondary evidence may be given of its contents, may vary very much, according to the paper itself—the custody it is in, and, indeed, all the surrounding circumstances of a particular matter before the Court and Jury. A paper of considerable importance, which is not likely to be permitted to perish, may call for a more extended and more minute and accurate search than that which may be considered almost as waste paper, which nobody would be likely to take care of, and I think might be considered as lost, so as not to be produced before a Court and Jury, when after a search, in the first instance, at the place where it was likely to be found, it is not then discovered, and no one can suggest any one place where it is more likely to be than another. Here search is made in the room where the paper ought to be; if the paper be not there is inquiry to be made of the persons who frequent that place? It is said here, the Club or Reading Society consisted of the Club may have consisted of 1800—say, it might have been a reading-room accessible to many thousands of persons—what inquiry will do? I think I can say of that sort, sometime after a newspaper which, except occasionally, and for the purpose of filing, was not very much considered a few days after its publication—if the paper is not found in the place where it might be expected to be, and where it ought to be, if it be any where, no search is necessary among members of the club, or persons who frequent that room; it may be taken to be lost if it can't be produced from the spot where it ought to be found. But then it is said that this is not issued by the defendant. I think that is a question entirely for the Jury. I think there is evidence to prove this is one of the copies printed at the same time with the libel which is laid before the Jury. It is a question for the Jury to consider in the case of a newspaper; it is not like a publication of a written libel, as put by my brother Wilde; the Jury must be aware that a number of copies of a newspaper are issued at the same time, and they issue for the purpose of publication. There is no doubt a suggestion may be made that the plaintiff, in order to enhance the damage, may have procured to be printed some paper; the Jury are to consider that, whether that is a reasonable suggestion or not. There was some evidence for the Jury to consider, and I think the reasonable conclusion is, that this was originally issued somewhere by the defendant. That is, it was probably issued as a newspaper to some newsmen, and by the newsmen sent down very likely to a place where it was seen; and for that purpose, as far as that goes, it appears to me the defendant was responsible for that without at all entering into some of the curious and interesting questions which arose in the course of the argument, and for every one of which one might not possibly be able to give so satisfactory an answer. But I understood my brother Wilde to make a third case; that it was not issued by him in such a way as to entitle the plaintiff to give it in evidence against him to increase the damages.

Now it appears to me, as this was seen, I think, at the Literary Institution, the presumption is it was sent there by some newsmen, issued by the defendant in the ordinary and regular course of business.

Sir THOMAS WILDE—That is contradicted by the evidence; it was not sent in the ordinary course of business, but gratuitously; they were not subscribers.

Chief Baron POLLOCK—Still it was issued as the publication of newspapers generally are for the purpose of being circulated; and I think, in order to show the extent of the mischief that may have been done to the plaintiff by a libel in a newspaper, you have a right to show any place where any copy of that libel has appeared, for the purpose of showing the extent of the circulation. It seems to me, therefore, in the first place, due inquiry had been made, and there was reasonable evidence that the paper could not have been found by any search any person could reasonably be called upon to make. That, in the next place, there was evidence to go before the Jury that that paper, so lost, and so identified, had been issued by the defendant. Whenever it is traced and found, it is for the Jury to consider the effect of that, tending to show, as that does, there has been a publication beyond the mere publication the plaintiff complains of and gives in evidence as the libel which is the subject of the action. I think there is no foundation whatever for granting the Rule on the ground that evidence was received which it was not competent for the learned Judge to admit.

The other ground on which the application for a new trial is made is a misdirection in point of law. It is objected that the learned Judge laid down the same rule with reference to the *Sermons* that were preached, as to the Rules of the Charity that were administered; that applied to private conversations, or to private acts of charity; and it is contended on the other hand that the learned Judge ought to have laid down that the sermon preached, but not published, was the subject of criticism in the enlarged style of commentary which that word seems to introduce, according to the decided case of Sir John Carr's work and several others; and that the conduct of the Clergyman, with reference to the parish Charity, and especially the rules of it, justified any *bona fide* remark, whether it was founded in truth in point of fact, or justice in point of commentary, provided only it was an honest and *bona fide* comment; and that that might be done under the general issue. There can be no doubt if it might be done at all, it might be done under the general issue.

My brother Wilde urged upon the Court the importance of this question, and I own I think it is a question of very grave and very deep importance. He pressed upon us, that, whenever the public had an interest in such a discussion, the law ought to protect it, and work out the public good by permitting public opinion, through the medium of the press, to operate upon such transactions. I am not sure that the extended rule is at all necessary to the public good; I do not in any degree complain; on the contrary, I think it is quite right that



all matters that are entirely of a public nature—conduct of ministers, conduct of judges, the proceedings of all persons who are responsible to the public at large; I complain not that it has been laid down, and properly laid down, that all *bond fide* and honest remarks upon such persons and their conduct may be made with perfect freedom; and without being called upon too nicely for our attention for the purpose of introducing any new rule, or extending those doctrines, at any point beyond that to which they have been hitherto extended, it appears to me to be a sufficient answer to say, if the public is interested in the administration of charity—if it be of importance that the doctrine of “doing good to all men” should be preached, and not only be preached, but that every one should act upon that doctrine—it appears to me that that would be abundantly satisfied by those who comment on these matters only exercising the ordinary right that they have at the common law; and that is, that you may comment upon anything, only let truth be the basis of your observations, and let the superstructure be justice. It appears to me that that will work out all the ends of public good that can be required for any such purpose as my brother Wilde speaks of.

Now, with reference to the application of this doctrine to the case before us, there are two points to be considered. The one, the sermon; the other, the parish charity. My opinion goes entirely along with the intimation of opinion that fell from my brother Parke at the trial. I think a sermon preached to a congregation may undoubtedly be made the subject of a comment; but you must not put into the mouth of the pastor the language that he did not use, or make any comment upon what he did use, or was supposed to use, that does not fairly arise out of the truth. I think you are fettered with respect to a sermon preached to a congregation just as you would be fettered with respect to any other matter on which you have a right to comment, but on which you must comment with truth and with justice. It, however, appears from the report of my learned brother Parke, that he did not exclude any evidence in respect to a sermon; and in the course of the conduct of the cause, and, finally, in summing up, he pointedly called the attention of the learned counsel, that, with respect to that part of the case, it was unnecessary to give any opinion upon that subject, because there was no sermon in evidence to which those comments could possibly apply. I think, although undoubtedly agreeing with him in the opinion he intimated in the course of his summing up and in the course of the case—I think this is quite a sufficient reason to refuse the rule.

With respect to the rules of the Charity, I think a parochial charity, with the Vicar at the head, among persons in the parish, not for parochial purposes, but for some exclusive purpose, with reference either to religious opinion, or any other matter, is a private matter—is not open to what may be called *licentious* comment, as opposed to a comment that must be based in truth; and I do not know, really, if we were to admit *licentious* comments—I hardly know what word to introduce to express the difference between the comments which may be applied to one class of cases, and those comments which may be applied to the other class—alluding to the distinction that arose in the course of my brother Wilde's address, when I was anxious to ascertain distinctly what was the point intended to be submitted to us. I think *licentious* comments cannot be applied to a case of this sort, without really extending such comments to almost every transaction in society. With respect to the rules that have hitherto been laid down—criticism on works published—it has been held they invite that criticism; they are held out, and, from the acknowledged usages of society, every man who publishes a book, invites criticism; whether that would apply to a book not published, but printed for circulation among friends, may be doubtful. It is not necessary to follow that up. I think it may reasonably be doubted. In the present case, the question is—whether a parochial charity, with the Vicar at the head of it—that is, a charity confined to certain persons within a parish—may be made the subject of a *licentious* comment? I own I think that every purpose of public good would be answered, by strictly confining that to the privilege that every man has of publishing that which is true, and saying that which the truth will warrant; and that it is not at all necessary, in a case of this sort, to give him any power, either *licentious* or with honest prejudices, to invent for himself, or to misrepresent and comment upon matters that do not exist in point of fact, however honestly.

Some observations have been made, in the course of the argument, with reference to there being no evidence actually tendered. I entirely agree that, whenever there is reason to think that the course of any cause has become so altered, by the ruling of a Judge in that cause, as that justice has not been done—I quite admit that that is a case for coming to this Court for redress; and it may not be necessary for counsel distinctly to point out in what manner the mischief has been done, if the Court clearly perceive that what has occurred would lead to that mischief. I, therefore, entertain the application of my brother Wilde in the full spirit in which it is made, and I say this rather because, during one part of his argument, it might have been inferred that I thought he was not exactly *rectus in curia*, so as to make the application at all; but, by entertaining the application, and entertaining it with the respect that is due to him, and entertaining it, also, with the responsibility that belongs to the question, undoubtedly, I admit, of some importance, I yet, upon all the points that have been presented to my mind, entertain, I was going to say, so little doubt—I ought to say no doubt at all—as that I think no rule ought to be granted in this case.

Mr. Baron ALDERSON—I am of the same opinion, that there should be no rule in this case; at the same time I am by no means prepared to say, if the question had been upon the sermon, I should not have been in favour of granting the rule, as I by no means entertain a decided opinion upon that point. The two points in question, upon which the rule has been applied for, are—first, the admission of evidence; and, secondly, the direction. I shall say, very shortly, what I think upon the admission of evidence. It is clear, as it seems to me, the evidence was properly received. I think the search should be such as should induce the Judge to come to the conclusion—and the Court afterwards, on revising his opinion, to come to the same conclusion—that there is no reason to suppose, that the omission to produce the document itself arose from any desire of keeping it back; and that there has been no reasonable opportunity of producing it which has been neglected. Now the question whether there has been a loss, and whether there has been sufficient search must depend very much on the nature of each instrument searched for, and I put the case in the course of the argument (I am afraid I interrupted my brother Wilde too often), of the back of a letter. It is quite clear a very slender search would be sufficient to show an instrument of that description had been lost. If we were speaking of an envelope, in which a letter had been received, and a person said, “I have searched for it among my papers, I can't find it”—it would be quite sufficient. So with respect to an old newspaper which has been at a public coffee-room; if the party at the public coffee-room has searched for it there, where it ought to be if in existence, and naturally would find it, one is not to suppose it has been taken away by some one. If he had said, “I know it was taken away by A. B.,” then I should have said, you ought to go to A. B. and see if A. B. has not got that which it is proved he took away; but if you have no proof it was taken away by any individual at all, it seems to me to be a very unreasonable thing to require you should go to all the members of the club, for the purpose of asking one more than another, whether they have taken it away or kept it. I do not know where it would stop when you once go to each of the members; then you must ask each of the servants or children, or servants or wife of each of the members; and where will you stop? As it seems to me the proper limit to stop is where a reasonable person would be satisfied that they had, *bond fide*, endeavoured to produce the document, and therefore I think it was reasonable to receive parole evidence of the contents of the instrument. Then, was the parole evidence of the contents of the instrument such as might reasonably be received as against the present defendant? It is clear that there is no evidence whatever to show that this paper, or these papers, have been sent by the defendant, individually, from any personal malicious motive. It would be absurd to put it upon that ground—the question is, whether or not there is reasonable evidence that this is a copy of the individual paper which has been produced, and which has been shown to have been published by the defendant?

Now, we must consider what the nature of the instrument is. It is the copy of a newspaper. We must use our own common sense and common understanding that newspapers are published, not one copy, but a great variety of copies, published for general circulation among the public at large. Is it a copy? If you compare an instrument in one or two parts, and find it is an exact copy, you would say it is printed from the same material, from the same type. Suppose I were to have a copy of “Meeson and Welsby's Reports” there, and “Meeson and Welsby's Reports in the Queen's Bench,” and “Meeson and Welsby's Reports in the Common Pleas,” and I were to examine those three books, and I were to find that there was a misprint in the first page, and a misprint in the fortieth page, and a misprint in the sixty-third page of each, I should say a jury might very reasonably infer that those three books were printed from the same type. So I say here with respect to a newspaper; if you find it in general corresponds, it is evidence from which the jury may infer that the paper is printed from the same type as the paper which is produced, and if so, it is printed by the defendant, and if so, the defendant is responsible for

the extent of the injury which may be done by that paper, which by some means has come out of his possession, and which the jury must infer has been sold by him to some one, although they won't and ought not to infer that he or anybody connected with him, individually, was the person who transmitted it to the Chatteris Book Society. It seems to me that it was evidence, and that it was evidence on which the plaintiff might reasonably rely for the purpose of showing that the injury which the defendant had done him by printing the newspaper, was aggravated by the circumstance that there was a paper here and a paper there, and a paper in places in which it might do him an injury among those who lived around him, and which was owing to the original publication by the defendant of the libel. It seems, therefore, to me, that that evidence was properly receivable.

Then the question is, whether or not there is a misdirection. Now, if my brother Parke had told the jury that to observe upon the sermon of a clergyman, which he preaches openly in his pulpit, was not a proper subject within the general rule, which enables parties to comment more liberally on the public conduct of individuals than on their private conduct, I for one, should have desired the question should be further considered. I don't say I should not ultimately—possibly, I should have come to the same conclusion at which my Lord Chief Baron has arrived, and which was intimated by my brother Parke as the impression which he had at the time of the trial, and which he retains now; I do not say I should not have come to it; I only mean to guard myself against being supposed to have formed a decided opinion upon that at the present moment.

It seems there is a distinction—although I must say I really can hardly tell what the limits of it are—between the comments on a man's public conduct, and upon his private conduct. I can understand that you have a right to comment upon the public acts of a Minister, upon the public acts of a General, upon the public judgments of a Judge, upon the public skill of an Actor—I can understand that; but I do not know where the limit is to be drawn distinctly between where the comment is to cease, as being applied solely to his public conduct, and where it is to begin, as applicable to his private character. Because, although it is quite competent for a person to speak of a judgment of a Judge as being an extremely erroneous and foolish one, and no doubt comments of that sort have great tendency to make persons careful of what they say, and although it is perfectly competent for persons to say of an actor that he is a remarkably bad actor, and ought not to be permitted to perform such and such parts because he performs them so ill; yet you ought not to be allowed to say of that actor, that he has disgraced himself in private life; neither ought you to say of a Judge, or of a Minister, that he has committed felony, or anything of that description, which is in no way connected with his public conduct or public judgment; and, therefore, there must be some limits, although I do not myself distinctly see exactly where those limits are to be drawn. No doubt if there are such limits, my brother Wilde is perfectly right in saying that the only ground on which the verdict of damages can go is for the excess, and not for the lawful exercise of the criticism, and it is for that reason that I doubt whether or not you may not very properly criticize a gentleman's sermons by saying, “He is a remarkably bad preacher.” There is no doubt of that; I think possibly you may have a right to speak of him as preaching erroneous doctrines, although about that there may be more doubt, seeing that there is a tribunal to which you may refer any erroneous doctrine which he may preach in the pulpit; but with respect to the stupidity or the dulness of his sermon, there is no redress, except by public observation; then I am by no means prepared to say you may not fairly criticize justly and fairly, and if you criticize *bond fide*, even although the man sustains an injury from your criticism, it is an injury for which there is no redress at law by damages. But with respect to the present question, my brother Parke has not laid it down to the jury that the sermons were not the subject, or might not be the subject of proper criticism; the question as to that has turned upon the fact whether this criticism has anything to do with the sermon, or whether there were sermons proved, or capable of being proved, of which this could be considered in the fair light of criticism; and I must say, I think it would be a libel on criticism to call this criticism on any man's sermons.

Now this gentleman, in his ministerial and public capacity, preaches his sermon, and it is because he does so in his ministerial and public capacity that I entertain a doubt whether it is not part of his public character; he is as a clergyman bound to preach these sermons in his ministerial and public capacity, and it may be that that is within the limits of the ordinary rule which governs the criticism upon public acts of individuals; but what has his private charity in the parish of Chatteris, or anywhere else, to do with that—how does that differ from the private charity of any other individual; it is no part of his peculiar ministerial duty to have a Clothing Club, which is a very proper thing for him or any other charitable man to do. I am at a loss to see how he differs from any other individual who chooses to institute a private charity within particular limits; if so, then the criticism and the observations that are to be made upon him are the criticisms and observations which are to be made upon any other private individual, and they are to be judged by the same rules and subject to the same limits, and that is what my brother Parke laid down, not that you may not comment—God forbid you should not be allowed to comment on the conduct of all mankind, provided you do it justly and reasonably; but that your comments on the conduct of Mr. Gathercole in the institution of private charities which Mr. Gathercole chooses to patronize, are to be judged of in the same manner as comments on the private conduct of any other private individual in his private charities; to that extent you may comment; and he is for that purpose, in the same situation as any other private individual. That is all that the rule has laid down. Every man may comment, but you must comment in the same manner on Mr. Gathercole in his private charities as you would on any other private individual in his private charities; it is no part of his public duty—no part of his public conduct—no part of his peculiar public duty, that you are commenting upon in that respect. Therefore it is, I think, my brother Parke laid down the right rule. Whether or not this is a libel is not the question before us; there is no doubt about it that the jury have found it to be so; and it seems to me, so far as these charges are concerned, it is a libel to be governed by the same rules which govern a libel on any other private individual. I say no more. I do not mean to say what the exact limits are, or the extent of private libels, but this is in the same situation as a libel on any other private individual. That is my judgment.

Mr. Baron ROLFE—I am entirely of the same opinion; and with reference to the first point, namely, the reception of evidence, I will content myself with silently acquiescing; because my Lord Chief Baron and my brother Alderson have stated the grounds so fully that it would be mere pedantry to attempt to put the same proposition into different language. With regard to the other, which is the great point, namely, whether this is a misdirection on the part of my brother Parke, I will add a very few words. In the first place, I entirely concur with Sir Thomas Wilde that it ought, in all fairness and candour, to be taken as a direction given by the Judge at the trial; that it ought to be taken as a direction as far as relates to the private charity; when the short-hand writer's notes are looked too, and coupled with what my brother Parke states, I can't, on the other hand, doubt the direction about the sermon ought not to be taken as a direction; although, at one time, he stated that it stood in the same category, yet he corrected himself afterwards; and it is plain to me my brother Byles acted on that distinction. Therefore, the question only is, whether or not my brother Parke was right in telling the jury that this private charity was not a matter—that is, the charity in question—I won't beg the question by calling it *private*—it is begging the question to call it *private*, perhaps—but the charity in question—whether that was a matter which entitled the party to assert the privilege given to public acts. Let us see how the law is on the subject. It occurred to me, late in the course of the argument, there was one question we had never asked, although I had assumed it all along, and I did ask my brother Wilde, and I find I was right in it, that there was no plea in this case but Not Guilty.

Now, my brother Wilde argued the case as if, in deciding against him we were to be supposed to lay down some rule, that the policy of having charities in a parish that excluded Dissenters was not the legitimate subject of comment, and that the press were to be restrained if they did make such comments, and that private individuals might be proceeded against by action, or perhaps criminally, if they indulged in such comments; and I should have entirely gone the length with him, if the law was at all what his argument would seem to imply that it was. I concur with him to the full extent that a man's conduct, as a clergyman of a parish, in the expediency of so limiting private charities, is the fairest possible subject of observation; and if a man, having made the strongest observations upon the impolicy of such a matter, then added to it, “Mr. Gathercole sanctioned such a charity,” he has a right to do that; and if Mr. Gathercole brings his action against him, he will plead that it was true. That brings the matter to a close.

Now then let us see how the case stands with respect to matters which are called of a public nature; in every action for libel, as in an indictment for a libel, the act done is alleged to have been done mali-

ciously; and in the case of a libel against an individual, it is conclusive that it was done maliciously, unless some justification is put on the record; but in the case where the comments had been comments upon the public acts of public servants—and there are other cases to which the same observation would apply—you may at the trial, although you plead nothing but “Not Guilty,” show that what you have done is a justifiable act, although you have no justification on the record, by showing what amounts in substance only to this—it is not done maliciously. Just in the way I may show, if I have written of such and such a person, “he is a drunken fellow, and not very honest.” That may be perfectly justifiable if a privileged communication. In answer to a question put to me, “would you advise me to take that man as my servant?” I am perfectly justified in giving that answer; and I need do nothing more, and could do nothing more, I believe, than plead “Not Guilty.” If I make reasonable comments on the conduct of public men in the discharge of their public duties, whether they be Generals, or Ministers, or Judges, or possibly Advocates—and I should certainly think, also, on the same principle, Clergymen—I am justified in doing it, and, therefore, I confess I wish to take this opportunity of saying that, as at present advised, should not have gone the length with my learned brother Parke, in saying that comments on Sermons would not come within the category of public acts. I rather think I should have thought they would have done so; but I give no opinion about it, because it does not seem to me that question arises. Then, the question here is, is it or is it not a matter which you can justify under the general issue, that you have made comments upon the acts of a clergyman in the mode of his administering charity, which comments would, *ex concessis*, have been libellous if they were not public acts.

Now, to the best of my mind, it seems preposterous to tell me the act of a clergyman in sanctioning some individuals in his parish, in concurring in giving relief to some, and excluding a large class of others who are not to partake of it—it seems absurd to call that a public act; the act does not become a public act because half a dozen or a dozen join in it; it is essentially private—they may manage it as they please. As was thrown out in the argument, you might as well say it was a public act, if you sanction a charity for foreigners in distress. I do not see where the line is to be drawn; it is no part of a clergyman's public functions to preside at a clothing charity—it is something which, although he is a clergyman, and therefore, in a sense, filling a public character, he does so merely as one individual there present, and therefore I think this does not come within the category of public acts, and consequently that the direction was perfectly right.

I may just add (that would be no reason for refusing the rule, if there had been any misdirection, but no misdirection could fairly have been given, because the direction made has been—this is a public act, and therefore sanctions any fair observations upon it. There is no pretence that any one of the observations could possibly have been treated as fair observations on that particular act; at the same time—I do not at least proceed on that ground—that would be a very unsafe ground to proceed upon, if the direction had been wrong. If I had been of opinion this was a public act, I think Sir Thomas Wilde would have been entitled to the rule. I think it clearly was not a public act, whatever might have been the case of the Sermons, if the question had arisen, in which, I as at present advised, should have concurred with my brother Wilde. I think with regard to this, it was a mere private administration of a charity, and although I may have one opinion, and any one else may have another, as to the policy of excluding Dissenters, and in such a case it may have been much wiser to have made no such distinction, yet that does not make it a matter of a different genus from what it would have been, if it had been a charity to give to any person whatever in the parish that was in distress, and in my opinion the rule ought not to be granted.

Mr. Baron PARKER.—In explaining to the Court the course I pursued with regard to the admission of evidence, and the reasons that governed me in admitting it, I have already said as much as I think it necessary to say on that part of the case. I wish to add a word or two with respect to the more important question, whether or not I was right in informing the jury in this case, that there was no justifiable cause or excuse for the publication of the libel upon the plaintiff in the circumstance of the then existing regulations, which he, as a clergyman of the parish, had either originated or sanctioned, for the purpose of administering charity to the poor.

Now, upon the trial I went somewhat more at length than I usually do, to explain to the jury what the nature of a libel was. I told them the definition of a libel was that which was printed and published calculated to injure the character of another, by bringing him into ridicule, hatred, or contempt; and I said, every publication, without justifiable cause, or excuse of that description, was the subject of an action. With respect to the truth, that must be pleaded. Then, I first left to the jury the question of libel, intimating my opinion pretty strongly, that the matter of this paper was libellous; and on that there could not be a single question; then, I intimated an opinion that there was no occasion for the publication which would render it excusable, and the question really is, whether there is any occasion which would justify the remarks that had been made, or any remarks upon the conduct of the plaintiff. Because, if the statements contained in this paper are true, then the general rule is, the defendant must plead the truth of them; but, nevertheless, if he has given occasion by his conduct for the remark, that is evidence, under the general issue.

I was of opinion, that although a Magistrate or a Minister, who gives occasion to remarks by his public conduct, for all criticism on that conduct, although a magistrate does so in exercising the functions of a magistrate which concerns the public, and although an individual who gives to the public any literary work does the same thing, because he gives occasion for all remarks on them, that with respect to a clergyman he gives no such occasion, by preaching a verbal sermon to his own congregation, nor does he give any such occasion by instituting, or commending, or carrying into effect, any arrangement for a private charity. With regard to the former, it is perfectly correct, that from the first I never gave any decided opinion upon it; if any such expression escaped my lips in the course of my interlocutory observations that I made, with a view of shortening my brother Byles' speech, I certainly corrected it, and his impression must have been, that on that part of the case I had no decided opinion.

When I summed up, I said the same thing; I had a strong opinion with regard to that, that preaching sermons did not make them public property, and did not invite observation on them from the press in general, in the same way that a publication of a literary work did; and, with all due respect to my brother Rolfe, I must own that I still continue of the same opinion, that preaching a sermon in the ordinary mode of a clergyman's duty in the parish church, is not an occasion, and is not a circumstance which makes it public property, and invites observation upon it, so as to allow the excuse, under the general issue, of any remarks that a person chooses to publish upon that sermon. However, that may, or may not be wrong; my opinion still continues the same.

With regard to the other, I certainly never felt any doubt, and feel no doubt now, that because a clergyman chooses in his parish to institute or to recommend to one already instituted, a subscription among the parishioners for a charity of any kind, and makes regulations for that, by so doing he puts the regulations in the same position as a literary work, and makes it public property, and gives occasion to any body to make criticisms on his conduct in that respect. I am clearly of opinion he does not, and consequently it was libellous on the plaintiff, as to which there is not the least doubt; there certainly was no defence under the general issue.

EARLY CLOSING MOVEMENT.—The young men of this town, says the *Newcastle Guardian*, have, this week, given indubitable proof of their interest in this important movement. Upwards of two hundred attended the preliminary meeting on Thursday evening, in Wilcke's Temperance Hotel, when it was unanimously agreed to form an association for the purpose of inducing shopkeepers, and tradesmen generally, to close their places of business at seven o'clock, and also to enjoin on the public, more especially the ladies, the propriety of making their purchases before half-past five o'clock. A great meeting was held, on Friday last, in the Town-hall, Birmingham, by an association formed in 1844, for the abridgment of the hours of labour in shops, warehouses, and offices. The attendance was very crowded. Mr. Scholefield took the chair, and amongst the speakers were some of the most influential gentlemen, clergymen, and Dissenting ministers of the neighbourhood.



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Our second supplementary number will be published on Monday morning next, and will contain Reports of the anniversary meetings of the Council of the British Anti-state-church Association, of the Sunday School Union, and of the British and Foreign Sailors, Tract, Wesleyan Missionary, and Bible Societies, &c., &c.

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## The Nonconformist.

LONDON: WEDNESDAY, MAY 6, 1846.

#### SUMMARY.

OUR summary for the week just past, will take us over the surface of many important topics. These, at any other time, we should have been disposed to discuss somewhat more at large than it is possible for us to do just now—and with reference to most of them we have this consolation, that other opportunities will be afforded us of considering their merits. Our readers will perceive that the great length of our report of the application of Sir Thos. Wilde for a new trial in the case *Gathercole v. Miall*, has cramped us for space. We have scarcely sea-room left us for passing comment. We deemed it right, however, at any temporary sacrifice, to put on record all that relates to a case involving principles so novel and so pernicious. As we have before intimated, we have little fear that a judgment so hastily given, sustained by reasons so self-contradictory, and opposed so directly to the common sense of the public, will exert much influence in any quarter. Accordingly, we are gratified to note that an application by Dr. Molesworth, vicar of Rochdale, to the Court of Queen's Bench, for leave to file a criminal information against Jesse Hall, the publisher of certain pamphlets calculated to affect the usefulness of the applicant in his sacred office, was refused; Lord Denman stating that "the Court could not measure the amount of impropriety in an answer that had really been provoked." Here, at all events, we hear nothing of clerical exemption from the criticisms of the press. We suspect we are fleeced in damages and costs, to save the legal reputation of Brother Parke. Meanwhile it will not be uninteresting to see in what light the enemies of free inquiry in ecclesiastical matters view the decision of the Court of Exchequer. The *Beacon*, a Roman Catholic journal, advertising to our own case, says, in a tone of exultation:—"The other day a great blow was given by the judges to the principles of the Reformation, in deciding that a parish clergyman's sermon delivered in church was not to form a subject of newspaper or public discussion."

The first matter which claims our notice as having come under discussion in the House of Commons is the Ten Hours Bill, the second reading of which was moved by Mr. Fielden on Wednesday last. It will suffice us for the present to limit our remarks to the debate itself, and to the position in which the measure is found, leaving for a future occasion that calm and candid consideration of its principle which we feel to be due to its pre-eminent importance. We take Mr. Fielden's speech to have proved for more satisfactorily the generosity of his nature than the soundness of his understanding. There cannot be a doubt that our operatives are over-worked. It is clear to every reflecting mind that their excessive toil is followed by a frightful train of physical, social, and moral evils. This, we imagine, all parties will admit. But this does not necessarily prove that the Ten Hours Bill is an appropriate remedy. The grand question to be decided is, whether the interference of Government for curtailing the hours of labour will be likely, in the long run, to destroy more evils than it begets, or whether voluntary effort and combination on the part of the workmen might not secure for them, at less cost and with less peril to their liberties, the end they have in view. The second reading of the bill was strongly opposed by Sir James Graham, who resisted all notions of compromise on the question. The debate was adjourned for a fortnight, and will probably be deferred from time to time, until the free-trade measure of Ministers is safe.

The Irish Coercion Bill has been read a first time. The last debate upon the subject produced nothing novel, and very little that was lively. After Sir R. Peel's speech on the previous Monday night, the discussion flagged heavily, and seemed to be impelled forwards merely by some implied necessity that it must not be concluded until a late hour on the last Parliamentary evening of the week. The division showed a larger majority in favour of Ministers than had anticipated, the numbers being—for the first time, 274; against it, 125: majority, 149. In the list of the majority we find the names of twenty-eight members.

We come now to a little episode: Mr. Smith O'Brien, member for Limerick, who is a kind of vice-president at Conciliation Hall, having been nominated to

serve on a certain railway committee, refused, on the ground that, until justice was done to his own country, he must decline giving up any portion of his time to private business connected with England or Scotland. His conduct was reported to the House, and he was ordered to be in his place on a certain evening. Thereupon he was asked by the Speaker if he had any explanation to offer to the House, and replied by simply re-affirming his determination not to serve. A discussion ensued. He was voted guilty of contempt, and two days were allowed him for re-consideration. Having made up his mind to martyrdom, the brief interval passed away unimproved; and on Thursday night the hon. member was committed to the custody of the Serjeant-at-arms to cool his burning zeal in "the cellar" of the House of Commons. Now, be it observed, we should be amongst the last to throw ridicule upon that firmness of character which, in pursuit of a worthy object, braves all penalties. In the present instance, however, not a single public principle is involved; no truth is illustrated in which the people can be supposed for a moment to be interested. It is purely a bit of Irish bravado—a resistance of authority—a defiance of Parliamentary usage—contempt flung in the face of the House of Commons, for no other purpose than because it is contempt. And the end is in strict keeping with the whole progress of this farce. Mr. Smith O'Brien has elicited no sympathy—has stirred no indignation—has scarcely even created a single day's talk. He is gone to the cellar, and is already forgotten. He is not likely to eat humble pie, and, consequently, he must remain in durance vile until the termination of the session. We trust he will make a profitable use of his confinement. He has many good and great qualities, but they are overrun by egregious vanity. When he thinks less of himself, he will do better for his country.

On Monday night Sir R. Peel proposed pensions of £3,000 a year, and £2,000, respectively, to be conferred by Parliament upon Lord Viscount Hardinge and Hugh Lord Gough, and upon their male heirs of two generations, in consideration of their services on the banks of the Sutlej. We admit at once the policy of bestowing liberal rewards upon those who have eminently distinguished themselves in the service of the country. We take exception, however, to the usual course of the House of Commons in this matter, on two grounds. We object to the cases they invariably select—cases of military success; and we object to the principle of elevating any men to that position which will fix their descendants upon national resources for many years to come, and which derives the only plausible reason for so doing from the previous act, which constitutes the yet unborn legislators for the people of this empire. Such sentiments, we are aware, find no favour in the eyes of the House of Commons. The tone of the conversation on Monday night was one of marvellous generosity at other people's expense. Lord Francis Egerton thought that Sir Harry Smith, who gained the victory at Aliwal, ought to be provided for. Mr. Roebuck recommended Sir Charles Napier. Other names were mentioned; and Sir Robert Inglis, the representative, *par excellence*, of the church of England, trusted, from the very depths of his heart, that Sir R. Peel would not make his pensions contingent upon any provisions which might be made for the two noble lords by the East India Company. Two things are clear enough. The way to commend yourself to the good graces of Parliament is to hew a path to glory by the sword; and when generosity dips into the pockets of others, it is seldom troubled with economical scruples. The House agreed to the votes unanimously.

It then passed on to the consideration of the Corn Importation Bill. Lord George Bentinck opposed the motion for going into committee, repeating the statements he had made during the progress of the measure, and calling Sir R. Peel to account for declaring that the question on his mind had become one, not merely of policy, but of justice. To this call Sir R. Peel responded in an effective and triumphant speech—a speech which, we trust, will produce its proper impression in another quarter. Two divisions ensued; but ultimately the House got into committee, and it was agreed that the report should be received on Friday, and the third reading taken on Monday. The Highways Bill and the Poor-law Removal Bill—the wings of the Ministerial free-trade measure—were read a second time without discussion.

In the House of Lords the Religious Opinions Relief Bill has been read a second time. That it is good as far as it goes we are not disposed to deny—that there should be occasion for such a measure in the present day, is a disgrace to the times. The various acts and clauses of acts proposed to be repealed, mark out distinctly the history of intolerance in the Established Church, and illustrate most vividly the evils that necessarily flow from connecting any class of religious opinions with civil place and power. The spirit which animated these now obsolete statutes survives in our own day, but puts on a different form. It showed itself in Lord Sidmouth's bill; it re-appeared in the Factories Education Bill; and it is now developing itself in the Charitable Trusts Bill. As in former cases so in the last, we believe, it will be defeated. The Lord Chancellor has intimated his intention of considering whether the Tract and similar Societies shall not be exempted from the operation of his measure. We hope, however, that Dissenters will not content themselves with being able to escape the meshes of this drag-net. It is a gross job—a further scheme of patronage and centralisation—a remedy

worse than the disease to which it professedly applies. The bill should be thrown out altogether as "a mockery, a delusion, and a snare."

Other matter we must despatch in a single paragraph. It will be seen, by a reference to another column of our paper, that the Court of Queen's Bench have refused to interfere in the case of *Barnes v. Shore*. Mr. Shore, it will be remembered, at the instance of the Bishop of Exeter, has been cited into the Ecclesiastical Court for presuming to conduct public worship according to his own notions of propriety, after having seceded from the Church of England. "Once a priest always a priest," is a doctrine of canon law; and the Court of Queen's Bench confirms that doctrine. We wish the clergy joy of the slavery to which they have committed themselves. Lord Lincoln has, at length, found a seat in Parliament. The Falkirk burghs have returned him by a majority of eleven over his opponent, Mr. Wilson. He owes his success, not to his general political principles, but to his connexion with the Free-trade Administration, and to the damage they are supposed to suffer by his absence from the House of Commons. Another Indian mail has arrived, bringing with it treaties concluded between the Anglo-Indian Government and the Government at Lahore. The intelligence is of the most pacific order, and affords fresh illustrations of the moderation observed by Lord Hardinge in his negotiations after victory!

#### "ALL'S WELL THAT ENDS WELL."

THE Corn Importation bill has at length swung clear of the Irish Coercion bill, with which unskilful steering had run it into collision. The gallant craft is once again on its way—the sails set, the pilot at the helm, the crew ready to take and to obey orders. Whether she has suffered damage, and to what extent, by the untoward accident which has so long detained her, remains to be seen. She is about to enter upon a stormy and dangerous sea—and none can predict with certainty her ultimate fate. Meanwhile, hope revives as we see her once more on her track—and the best wishes of the nation follow in her wake.

Happily, there is an end to all suspicion of treacherous design on the part of the pilot. The recent delay has not shaken his resolution, but confirmed it. His views have undergone a further change. What he once pursued as a matter of expediency, he now seeks as an affair of justice. The light which past events let in upon his understanding has dispersed the mists which overhung his conscience. "I may" has given place to "I ought." We are not surprised at this. The moral aspects of great questions of policy, are visible only in certain states of the mental atmosphere. Clear and well-defined as they may be in themselves, and distinctly cognisable by every unsophisticated mind, they cannot be described through the opaque medium of a resistant will. Love only can appreciate love. Taste only can enjoy beauty. There must be what old divines would call a subjective morality, before there can be any perception of that which is objective. A man who has been all his life in a false position, when, perchance, he finds himself in a true one, obtains glimpses of a world altogether new to his apprehensions—as, when a long-cherished enmity has been destroyed, the heart is quick to discover virtues where a perverted will had searched for them in vain. To do what is right because seen to be expedient, and to suffer for so doing, commonly ends in attachment to right for its own sake. Such has been the experience of Sir Robert Peel. He and justice have been driven to consort one with the other—and Justice has revenged herself for former neglect, by stealing away his heart. He makes no secret of it. The ardour of a first love is upon him. A new life is begotten in him—and he may now be safely left to the impulses of his own nature.

We have now the best guarantee which man can give to his fellows of Sir Robert Peel's fidelity to the cause of his adoption. Compromise he expressly declares to be impossible. Where conscience prescribes, conduct must needs coincide with ability. All that he can do he must do. Chaffering is at an end. The door of retreat is closed. In such case there is nothing left for him but obedience. The whole catalogue of comparatives becomes obsolete. The ideas of more and less are thrust out by the sturdier and more absolute ideas of right and wrong. All the wise saws of expediency are laid aside as inapplicable—the numerous tribe, for instance, which claim kinship with "Half a loaf is better than no bread." Justice repudiates the entire manual of "trimming made easy." If we take her at all, we must take her "for better for worse." She will share the affections of her votaries with none other. "Your whole self or nothing" is her demand.

Hope comes to us after a long absence, and with eager delight bids us listen to the noise, still distant, of the chariot-wheels of realisation. We can almost fancy that we hear them; and when we turn to Reason with inquiring glance, Reason confirms the impression which Fancy had made. The free-trade measure is probably within a week of quitting the House of Commons. It will go up to the Lords with Sir Robert Peel's memorable declaration inscribed upon it. The alternative is unmistakable—adoption or rejection. Mutilation will not be suffered—the waverer's bridge has been cut away. Herein, then, we have an additional chance of success. But there is something more than this. The weight of a message very mainly depends upon the tone of mind which it represents. The plea of expediency may be





laughed at where the demand of justice will overawe. That which we ask as consonant with sound policy, may be refused or evaded on trivial grounds—that which we claim in the name of right must be considered more solemnly, and entertained with more scrupulous care. Sir Robert Peel has at length taken the highest ground. His purposes have deepened into a hue of moral earnestness. His will is in compact with his conscience, and he rises from a stateservant into a state-prophet. The anxiety of the minister settles down into the calm determination of the patriot—and the authority of the moralist is substituted for the calculations of the economist. We rejoice in this change—we had almost said it is worth the delay that has developed it. We anticipate much from it. Not more important is it to arrive at a peaceful settlement of great national questions, than to arrive at it by a becoming process. This alteration of tone, on the part of the prime minister, will not be, we are persuaded, without corresponding effect upon the peers. It matters little that they see not as he sees—it matters much that he is known to concur with the nation in viewing the protective system not merely as a mistake, but as a crime. This single fact, publicly avowed, will be as a kind of outer conscience to them, supplying the want of an inner one. In the light of it they will involuntarily detect the flimsiness of their own sophistry. By it they will read their arguments and try their conclusions. The courage to do evil often fails when confronted with an antagonist of majestic moral bearing. Una tames the lion. The beauty of virtue inspires the most daring with awe.

Perhaps, too, Sir Robert Peel, and those who act with him, having at length cast in their lot with Justice in this matter of free-trade, and found themselves no losers thereby, either in self-respect, in reputation, or in political influence, will look more wistfully for her in other regions of political life and experience. What if the honourable baronet should test all other monopolies by this rule?—the bible-printing monopoly, the Established Church, and the monopoly of the suffrage? Why, new times are dawning upon us, when our leading statesman vaults with such comparative ease from the low grounds of expediency, on which he has stood all his life, to the summit of justice and morality. One act of this kind often changes the whole current of a man's sympathies, and, even at an advanced age, alters the entire complexion of his destiny. Heroism, once awakened in a man's bosom, seldom sleeps again. The generous impulse which breaks through immediately surrounding obstacles pants for fresh exertion when its triumph has been won. Should this law be developed in Sir Robert Peel's career, his country will speedily forgive and forget the past; or, if for a moment compelled to revert to his protracted efforts to serve a party, it will cover all his delinquencies with the charitable remark, "All's well that ends well."

#### DEATH PUNISHMENTS.

THE public meeting held at Exeter Hall on Wednesday evening last, to promote the abolition of the punishment of death, was a pleasing sign of the progress of the times. The cordial union of parties widely differing from each other on most political and ecclesiastical topics, and even on the reasons upon which their conclusion was based—the varied and brilliant talent displayed—the earnestness, as well of the densely crowded audience as of the several speakers who addressed it—and lastly, the organisation of a society to secure the end in view, awaken our most sanguine hopes that the public has well-nigh reached that stage of enlightenment which will render it practicable and easy to purge our laws of every penalty not imperatively required by the common safety.

We have never founded our arguments against death-punishments upon texts of Scripture—and assuredly we see no force in those derived from the same source in favour of "blood for blood." We believe the practice of balancing social and political theories upon the point of a single text, to be exceedingly dangerous. We cannot think that Christianity was ever designed to give law to nations in any such matters. Its business in this direction is, not to enforce rules, but noiselessly to work out results. And this it is gradually accomplishing. Its genius is opposed to violence of all kinds—individual, judicial, and national—and, in proportion as that genius comes to be discerned and appreciated, distaste for bloodshed will be predominant. As a system, it is directly antagonistic of sin, and indirectly of the mischiefs which ever follow in the train of sin. Follow out its principles, and certain results will inevitably ensue—results which no hint is given to us that it primarily contemplated. We are, therefore, somewhat jealous of hearing Christian law quoted either for or against a particular policy. It is enough, we think, in the present instance especially, to point out the obvious harmony of the conclusion we wish to establish, with all the leading principles of divine revelation. In this, as in other respects, "the letter killeth, the spirit giveth life."

The case against capital punishments, however, we hold to be involved in no doubt. Their terrible severity all but effaces disgrace—and the criminal, who ought to excite abhorrence for his deed, usually elicits sympathy for his suffering. They stimulate, as Mr. Dickens has profoundly observed, that latent craving for distinction, which, in ill-regulated minds, will find it on the scaffold rather than miss it altogether. That they increase our natural sentiment of respect for the inviolability of human life, none will be bold enough to pretend—for, assuredly, whether man is strangled

by a midnight assassin or by a common hangman, the act does violence to our ordinary notions of what is due to humanity. Nor can it be shown that capital punishments, even for murder, are the most efficient protection which law can extend to peaceable subjects. The penalty being irremediable, juries are unwilling to convict, and are keen-eyed to discover the slightest flaw in the evidence upon which, if admitted to be satisfactory, they must adjudge a fellow-creature to death. After all, moreover, human judgment is fallible—and the instances, unfortunately, are not rare in which innocence has been condemned, and injustice has hurried its victim beyond the reach of remedy. Experience, too, so far as it has gone, has borne steady testimony to the advantage of ameliorating our criminal code. With these arguments, expanded, illustrated, and vigorously applied, we trust the public mind will soon be made familiar. We hail the formation of the society which proposes to do this, and from the bottom of our hearts we wish it God-speed.

#### PAY, BUT NOT CRITICISE.

THE straw is stirring on the subject of religious disabilities. The same government which has discovered the Corn Laws to be unjust, has discovered it to be politic to remove, by an effort of its own, some of the rudest brands of religious tyranny among us. The absolute importance of the things removed, is various; but, upon the whole, there can be no denying that the proceeding of the Lord Chancellor in the House of Lords amounts, so far as it goes, to a disavowal of the principle of religious persecution; and the member for the University of Oxford, and the few that are his fellows, will confirm this by their opposition at the proper time.

Be the absolute importance of the proposed removals more or less, curious light has been thrown upon one point which has excited interest of late. In the recent case of Gathercole v. Miall, the judge was of opinion, that there is a right inherent in the public to criticise the conduct of a ministry, of those who command the army, or of a magistrate; but it appears to him, "that there is no right on the part of any member of the public, or the publisher of any newspaper, to publish his opinion on the conduct of a clergyman." If, indeed, the clergyman print his sermon, the judge is of opinion that it may be lawful to criticise it in print. But, if a sermon be preached and not printed, "he has yet to learn there is any right on the part of the press to criticise this sermon, or say whether it is good or bad."

The sermon then, is a cloud, a shadow, an unsubstantial essence, which if any lion of the press shall take liberties with, he shall expiate his guilt upon the wheel to which our Rhadamanthus shall condemn him. It is a nonentity, a vision, a thing not tangible and which of course cannot touch; unless it please the clergyman to give it bodily existence by sending it to press. It is not a thing, till printers' ink make it so; things heard are not things, things seen are the only things of which reality can be predicated.

But view what has been let out by the list of untenable bigotries which the Lord Chancellor proposes to make an end of. This very sermon which is nothing, this nonentity which no man in print may "say whether it is good or bad," every man of the orthodox class is by law punishable if he does not go to hear, and the Dissenter is by law punishable if he goes to hear anything else. He must hear or he must hear no other; but if he set down his opinion with the help of lamp-black and oil as to "whether it is good or bad," he shall be punishable with worse punishment than if he had not heard, or had heard the wrong.

Now nobody believes all this, nobody will avow it except on the pinch of necessity to support an erring brother, no statesman will risk his credit in attempting to maintain it; the press everywhere has walked over it to its utter depression and annihilation, the public rejects it, the community which the League has taught to be "every man his own law-maker" entirely ignores it, and the whole has only ended in raising a breeze, before which the movement of the Lord Chancellor is perhaps only an evidence of the perceived necessity for lowering sail.

Worse and not better, is the condition of the other part of the dictum from the same source. A clergyman may be an insolent firebrand in the parish that finds him food, he may use the influence that was given him for peace, to array one portion of those committed to him in fierce hostility against another, the priest and Levite's version of the good Samaritan shall forbid the Dorcas of his cure to stitch coats and garments for the poor unless paid for by adherents of the Thirty-Nine Articles, he shall take advantage of his gown to insinuate associations and throw out scandals of the kind which experience proves to be most apt to excite to breaches of the peace, and he is to be a privileged father of mischief, whom the state is to pay, and take the money for it out of better men's pockets whether they will or no. Such is the law, and will be, so long as the law is to reside in the dictum of a fallible individual, instead of being made to approach to such "perfection of reason" as may be attained by the intervention of a code.

Human institutions are feeble, and man's inventions frail. But if the Church of England was made of granite, which it is not, two such principles as those set on foot by this ill-judging judge, would suffice to pull it down.

The Duke of Wellington on Friday attained the seventy-seventh year of his age.

#### POSTSCRIPT.

Wednesday, May 6th.

#### PARLIAMENTARY INTELLIGENCE.

The House of Commons went into committee last night on the Corn Importation Bill. On arriving at the words relating to the duty on oats, Lord GEORGE BENTINCK rose, and, after a speech in which he deprecated any change of the duty on oats, as being specially calculated to injure the agriculture of Ireland, moved as an amendment the omission of the words by which the duty is proposed to be altered. A debate arose, during which the CHANCELLOR of the EXCHEQUER pointed out that the effect of the omission of the word "oats" would be the admission of that grain without even the nominal duty of one shilling. The point of form thus raised led, after a discussion, to the withdrawal of the amendment, and Lord GEORGE BENTINCK then moved the omission of the whole clause. This, however, was also withdrawn, after speeches from Mr. FINCH, Mr. ORMSBY GORE, and Mr. FRANCIS SCOTT.

The various clauses of the bill, with its schedules, were then carried through committee, a loud cheer marking the termination of this stage in the progress of the measure. The report was ordered to be received on Friday.

The House again went into committee on the Custom's Importation bill, which also went through committee without discussion, Lord GEORGE BENTINCK intimating that he would reserve himself for a future stage of the measure. The bill is to be reported on Friday.

The remaining business was then disposed of, and the House rose early.

IRISH COERCION BILL.—Mr. P. SCROPE gave notice that, on the order of the day for the second reading of the Protection of Life (Ireland) bill, he would move the resolution he had proposed when a similar measure was before the House, viz. :—

That this House would not be justified in passing a measure to increase the severity of the law for the repression of criminal outrages in Ireland, if it did not propose to take into consideration, at the earliest opportunity, measures for the removal of the leading causes of such crimes, by affording some protection to evicted tenants, some better resource than mendicancy and vagrancy to those who can find no market for their labour, and by securing to every well-conducted subject of her Majesty in that country, the means of existing by honest and peaceful industry.

The House of Lords yesterday, on the motion of the Earl of RIFON, seconded by the Marquis of LANSDOWNE, and after a discussion in which the Duke of CAMBRIDGE, Lord BROUGHAM, Lord GLENELG, and Earl FITZWILLIAM took part, agreed to an address to her Majesty, in answer to a royal message, recommending the claims of Lord Hardinge and Lord Gough to the liberality of Parliament. The remaining proceedings were of no especial interest.

AMERICA.—We have another arrival from America, with news from Washington to the 11th; but it is not of exciting importance. An attack on Mr. Daniel Webster had been made by Mr. J. C. Ingersoll, with reference to the part that gentleman (then Secretary of State) took in the settlement of the Ashburton treaty, and was brought on incidentally in the course of the Oregon debate. The termination of the debate appeared as far distant as ever. The news from Mexico is still of a threatening nature. Mr. Sidel had not been received by Paredes, and the Mexican press were clamorous for war. Considerable bodies of troops were proceeding towards the frontier to watch the movements of the United States force.

PORTUGAL.—Advices from Lisbon of the 29th ult. state, that the insurrection in the province of Minho had not been suppressed. There had been several conflicts between the troops and the people without any decisive result. Much blood had been shed, and desperate boldness, as well as remarkable order, and an appearance of discipline, had been exhibited by the latter. Troops were marching in various directions on Minho, and the probability was, the insurrection would be put down.

THE SPANISH INSURRECTION.—Intelligence has been received from Galicia to the effect that all the points occupied by the insurgents, Vigo, Lugo, and Pontevedra, were in the possession of the Queen's troops, and that their respective garrisons had been taken prisoners. Nineteen officers above the rank of captain, who had joined in the revolt, had been sentenced to death and immediately executed.

REPEAL ASSOCIATION.—The great topic at the meeting on Monday, was the imprisonment of Mr. Smith O'Brien, on which subject there was a difference of opinion, as the association would not commit itself by expressing its full approbation of that honourable gentleman's conduct. A resolution, expressing confidence in his integrity, &c., was, however, adopted. A long letter from Mr. O'Connell was read by the Secretary, also a letter from Mr. Collett, M.P., enclosing twenty guineas as his first subscription to the association, of which he was accordingly enrolled a member amidst great applause. Rent about £150.

ATTEMPTED MURDER IN WESTMINSTER.—A brickmaker, named William Luff, has, for upwards of a twelvemonth, been cohabiting with a young female who passed as his wife, but whose name is unknown. They took up their quarters a week ago at No. 4, Pear-street, Westminster. At about seven o'clock last night Luff returned home, and a violent quarrel was heard in their room by other residents in the house, but as matters of this sort are of frequent occurrence in places of this description, it was perfectly unheeded. After it had been for some time evident by her cries that he was beating her most unmercifully, he seized her by the waist, and threw her out of the window; and the poor creature, after falling with her head upon a wall dividing the yard, dropped upon the ground. She was picked up, and taken to the Westminster-hospital, where she remains in a dangerous state. The ruffian has been captured, and will be examined to-day.

THE BIBLE MONOPOLY.—We publish in our columns to-day a correspondence between Mr. Hume and a committee of the Bible Society. The substance of the correspondence is, that Mr. Hume, who is about to renew his labours for abolishing the Queen's printer's monopoly in printing Bibles, claims the support of the Bible Society in his exertions, and this committee, representing the often-expressed feeling of the Parent Society, refuses to help in the work.—Sun, Monday.

#### CORN MARKET. MARK LANE. THIS DAY.

	Wheat	Barley	Oats	Beans	Peas	Flour.
English ....	5060	1340	8320			
Scotch.....			1070			
Irish .....			790			
Foreign ....	7810	590				

Rather more money asked for bonded wheat.



## THE MIRROR OF PARLIAMENT.

## THE FACTORIES BILL.

On Wednesday morning Mr. FIELDEN, as the substitute for Lord Ashley, moved the second reading of this bill. The object of the bill is to limit the hours of work of children between thirteen and eighteen, and females above eighteen to eleven hours a day (exclusive of time for meals), for one year, beginning August 1846, and then to ten hours a day (exclusive of time for meals), from August 1847. Those two classes of persons have now to work twelve hours a day; which, with the time spent in going to and from the factory and the time of meals, makes fourteen hours' occupation,—a period of labour much too long even for adults: but, if fourteen hours' occupation be too long for adults, who can deny that that length of daily labour is a shameful infliction upon children from thirteen to eighteen. He refrained from going into a detail of the bodily sufferings and the other injurious effects which had arisen from the existing system; because Lord Ashley had so often and so ably presented them to the House, and with such minuteness, that the matter must be in the recollection of every one. He would merely mention one fact, as showing the progress which public opinion is making in favour of shortening the duration of labour; and it is that the clergy both in England and Scotland have become its strenuous advocates. Mr. Fielden's own opinions on the subject have been formed from experience. He and his brothers employ from 2,000 to 3,000 hands; they are increasing their works greatly, and Mr. Fielden is bringing up all his sons to the same business. If the course he recommended, therefore, should prove to be wrong, the ruin of himself and family was involved. Thus it was unlikely he would recommend a measure of this kind if he had the slightest doubt of its good working. He proceeded to adduce facts as a proof that the change might be made with great safety and advantage.

Mr. AINSWORTH seconded the motion, referring to the progress of public opinion on the subject, and suggesting that a compromise might be effected by which the duration of factory labour might be limited to eleven hours.

Mr. HUME, after arguing that the bill would be an unjustifiable interference with the freedom of commerce and trade, and an undue restriction on the employment of labour, moved that the bill be read a second time that day six months.

Mr. WARD seconded the amendment.

Sir GEORGE STRICKLAND urged the expediency of regulating factory labour to the extent proposed by the bill, which he consequently supported.

Sir JAMES GRAHAM, in consideration of the importance of the question, had deemed it his duty to review and reconsider his previous opinions; and he was bound to state that he had seen no reason to induce him to change any one of them. As to the proposal to compromise the matter and adopt eleven hours, it could not be entertained; as it was found that the workmen employed in factories which did not work more than eleven hours were not satisfied and had petitioned the House for the Ten Hours Bill. There is one important fact which the House ought to consider—that every interference with the labour of children, young persons, and females, operates, not indirectly, but virtually, positively, and stringently, upon adult male labour and the working of machinery. Keeping this vital consideration in view, he asked the House to consider what proportion the exports of the four great articles of manufacture in England, cotton, woollen, silk, and flax, bore to the general exports of the country. They formed, he should say, three-fourths of the entire; amounting in value to between £35,000,000 and £40,000,000 annually. It was calculated that £225,000 were weekly distributed as wages to workers in those articles of manufacture, and that three-fourths of the operative population were dependent upon them for support. If, therefore, there should be an error in their legislation upon the matter, it would be no slight mistake, no trifling error, which they were about to commit. He thought it wrong to urge the measure under present circumstances. In the first place, Parliament had already pronounced an opinion against it; and in the next place, other circumstances existed which rendered its introduction at the present moment most inopportune. The House had come to some important decisions on commercial questions; some of which were in operation, and some not. The portion which had become operative was that which had at once exposed, by the removal of restrictions upon commerce, the manufactures of this country to direct and immediate competition with their foreign rivals. Twenty per cent. of the duties on cotton, fifteen per cent. of the duties on woollen manufactures, had been already removed; and the protection upon the silk trade had been also materially reduced. The removal of protection to British manufactures was therefore in full operation, whilst the proposed benefit to the consumers of corn was still suspended; and he thought it hard upon the manufacturers to interfere, by the imposition of further restrictions upon them whilst they were placed in their present position. Assuming that a diminution of the hours of labour from twelve to ten would fall upon capital in the first instance—and it could not be less than a tax of sixteen per cent.—his belief was that the larger portion of that loss would be defrayed by a reduction of wages. For the sake of the working classes themselves, therefore, he thought the House should not abridge the hours of labour. Sir James proceeded to test the assertion that eleven hours' labour had been found to be as productive as twelve hours', by the results of the experiment made by Messrs. Horrocks of Manchester. These gentlemen had reduced the working hours to eleven, that is to say, from sixty-nine hours to sixty-four hours a week. In the longer period, the quantity produced on an average of four weeks was 307,525 yards per week. The proportionate quantity for sixty-four hours' work should, consequently, have been 285,240. What, then, was the actual quantity? If the assertions were correct,

that the workers could get through as much during the eleven hours as they could during the twelve, the produce should have been, of course, the same for the sixty-four hours as for the sixty-nine: but instead of this, with all the exertions of the workmen to give effect to the experiment which was to have borne out the statements, and afford an argument in favour of their petition, the produce could only be brought up to 287,000. Abroad, the hours of labour were much longer than in this country. In France, they were from seventy-two to seventy-four hours a week; in Austria, from seventy-two to eighty hours; and in other countries in a similar proportion; while in this country they were sixty-nine. He believed that the repeal of the corn-law would effect more good to the working population, believing as he now did that it was not merely unwise but unjust. On this subject he had changed his opinion, and had been exposed to some obloquy on account of it. But having had an opportunity of calmly reviewing his judgment on this matter, he was more and more convinced that the corn-law was the great obstacle to the prosperity of the capitalist and the welfare of the working classes.

Mr. MARK PHILIPS expressed his satisfaction with the statesmanlike speech which had been delivered by Sir James Graham, and urged the practical objection to the interference with adult labour.

Mr. BANKS then moved the adjournment of the debate, which, after some conversation, was agreed to, being fixed for Wednesday week.

## THE CASE OF MR. O'BRIEN.

On Thursday, Mr. ESTCOURT introduced the subject by expressing a hope that some member was authorised to make a communication to the House on behalf of Mr. O'Brien. No response having been given, he moved—

That William Smith O'Brien, Esquire, having been guilty of a contempt of this House, be for his said offence committed to the custody of the Serjeant-at-Arms attending this House, during the pleasure of the House; and that Mr. Speaker do issue his warrant accordingly.

Mr. E. B. ROCHE, on the ground that Mr. O'Brien complained that he had not been allowed a fair opportunity of addressing the House in explanation of his conduct, moved as an amendment, that he "do attend in his place forthwith," for that purpose.

This proposal gave rise to some discussion. Mr. O'CONNELL assigned as a reason why the House should consent to the amendment, that Mr. O'Brien felt dissatisfied with the manner in which Mr. O'Connell had argued his case. Sir ROBERT PEEL thought the House should be guided by precedent; and asked the opinion of the Speaker. The SPEAKER stated, that he knew of no precedent according to which Mr. O'Brien could be allowed to address the House. Mr. E. B. ROCHE bowed to the opinion of the Speaker, and withdrew his amendment.

Mr. HENRY GRATTAN read a statement from Mr. O'Brien, mentioning that when he declined to address the House on a previous occasion he acted under a misconception. Mr. MONCKTON MILNES, with the view of enabling Mr. O'Brien to take part in the debates, moved that this debate be adjourned to that day six months. Mr. CHARLES BULLER seconded the amendment; but no division took place, and the original resolution passed *nem. con.*

Shortly afterwards, the Serjeant-at-Arms appeared at the bar, and reported that he had taken Mr. O'Brien into custody.

On Friday, Mr. E. B. ROCHE complained that Mr. O'Brien had not been allowed sufficiently to explain his reasons for resisting the authority of the House, and, thereupon, read a letter to himself from that gentleman, dated "House of Commons Prison, May 1st." It contained a declaration that, suffering as he was from the injustice of the British House of Commons, he should make no appeal to its generosity; and it concluded by desiring Mr. Roche to inform the House that he was no party to a motion, which he understood was to be made that evening, for his discharge. "The reading of this letter," says the reporter, "was followed by loud laughter."

On Monday Mr. O'CONNELL said that, having given notice of a motion for that day, for the discharge of Mr. William Smith O'Brien from custody, he begged to say that it was not his intention to proceed with that motion. He should, therefore, withdraw his notice, which he did at the peremptory request of his friend Mr. O'Brien himself.

## PROTECTION OF LIFE (IRELAND) BILL.

The debate on this bill, adjourned from Monday, was resumed on Friday evening by

Mr. SOMERS, who strongly opposed the bill.

Mr. MAURICE O'CONNELL made a long speech on the same side. What the people of Ireland wanted was, relief in their present extremity of distress, and for which the Government had as yet done comparatively nothing. He was satisfied the bill before the House would totally fail in its object, and was resolved to give his most determined opposition to the bill.

Mr. COLQUHOUN said that the evil was at present intolerable; but he did not think the present measure was sufficiently stringent to overcome it: to some extent it would do good, but not to the extent required. He thought that you ought to have powers to arrest these village Marats, who were well known to the police, either by a suspension of the *Habeas Corpus* Act, or by some other similar measure, and to place them for a time in such imprisonment as would deter others.

Mr. TIMOTHY O'BRIEN warned the House, that if the bill should unfortunately pass, it would be found in less than twelve months, that fifteen instead of five Irish counties were in a state of intolerable disturbance.

Mr. BELLEW thought that Sir Robert Peel was the last man in the world to tell the landlords of Ireland that they were too much in the habit of neglecting their duty, of doing nothing for themselves, and of trusting for everything to the Government. Was not Sir Robert Peel the Minister who issued the Landlord and Tenant Commission? and had he brought in any measure founded on the report of that Commission to fulfil the hopes which he had himself excited?

The ATTORNEY-GENERAL made an elaborate reply to the speeches of Mr. O'Connell and Lord John Russell

on the first night of this debate, and vindicated, in detail, the various clauses of the bill.

Mr. HENRY GRATTAN, after an impassioned denunciation of the agrarian murders by which Ireland had been recently disgraced, proceeded to condemn with even still greater warmth the oppressive and unconstitutional provisions of this Curfew Bill, which was intended to repress, but would most unquestionably aggravate them. He ran riot for some time among the general and local grievances of Ireland; which he described as "a gutted and eviscerated" country. He caused, however, a striking sensation in the House by making a statement of numerous cases, in which the police had been actively engaged in employing spies and informers to incite individuals to the commission of crime in Ireland, and in which they had themselves written and served threatening notices, for which they had afterwards apprehended innocent individuals, and received considerable rewards.

Mr. W. R. COLLETT showed, from his own experience, that the infusion of capital did not always prevent the perpetration of crime in Ireland. He wound up his speech with a poetical quotation in compliment to the Government:—

He would conclude with a quotation which he might apply to her Majesty's Government. [The hon. gentleman paused for some moments, as if unable to remember the quotation,—a circumstance which excited considerable laughter. He at length proceeded:—]

"Though deep, yet clear; though cheerful"—

Sir R. PEEL (interrupting): "Gentle" [loud laughter].

Mr. W. R. COLLETT: I'll begin again [renewed laughter].

"Though deep, yet clear; though gentle, yet not dull;

Strong without rage;"

and I don't allude to the vacancies in the Cabinet when I add—

—"without o'erflowing, fall."

[loud laughter].

Mr. S. CRAWFORD lamented over the existing social disorganisation in Ireland, and complained that no measure had yet been proposed by her Majesty's Government for its improvement. Instead of a Coercion Bill like the present, to which he stated many objections, the Government ought to introduce a system of poor-laws into Ireland, founded on the principle of the act of Elizabeth, and a better law of landlord and tenant. Such measures would act as checks upon the exterminating system, and in so acting would dry up the source of most of the crimes which at present disgraced and distracted Ireland.

Mr. E. B. ROCHE could not understand why this bill had been introduced; but he promised the House that in its present shape it should never pass. It was important that the Irish Members should be during the next two or three months on their properties in their own country, looking after the interests of their people; but if this bill should enter into Committee, they would return from Ireland, and prevent it from ever leaving it until the British Parliament first passed measures of conciliation and justice towards that country. The House might rely upon it, that they would never settle the Irish question satisfactorily until they gave up the government of Ireland to the Irish.

Major BERESFORD reserved to himself the right of making any amendments upon the bill in its future stages.

Colonel SIBTHORP would neither oppose nor support this bill. It was so weak, futile, and inoperative, that he could not give it his sanction. If they had brought in a bill with ten times as much coercion to Ireland, he would have gladly supported it.

Lord GEORGE BENTINCK seemed anxious to purge himself from the imputation of a compact with Mr. Smith O'Brien on the subject of the corn-laws; and actually moved the adjournment of the House to enable him to disclaim the alleged compact. The SPEAKER intimated that Lord George could not make such a motion, as he had already spoken in the debate. Upon which Mr. PETER BORTHWICK lent his assistance, and made the motion in his own name. This enabled Lord George Bentinck to get on. He disclaimed the O'Brien alliance *in toto*. On receiving Mr. O'Brien's letter, he submitted it to his political friends; and the answer they instructed him to return was told in the hearing of the House. Nothing else took place between them.

The House then divided on the bill:—

For the first reading . . . . . 274

Against it . . . . . 125

Majority . . . . . 149

Sir ROBERT PEEL named the 25th of May for the second reading. Mr. O'CONNELL intimated that he should move as an amendment, the appointment of a committee to inquire into the Irish landlord and tenant question.

## RELIGIOUS OPINIONS RELIEF BILL.

In the House of Lords on Thursday, the LORD CHANCELLOR, in moving the second reading of the Religious Opinions Relief Bill, went into an elaborate statement of the laws, obsolete or otherwise, which still remain on the statute-book, affecting with pecuniary and other penalties all persons ranking as Papists, recusants, or Dissenters, for the offences of entertaining peculiar opinions, such as the supremacy of the Pope, and so forth, and of absenting themselves from their parish church, and not receiving the Sacrament. The bill before them proposed to sweep away all these relics of a former more ignorant and intolerant age.

Lord BROUGHAM cordially acquiesced, and reminded the House that, though many of the statutes thus proposed to be repealed were practically obsolete, it was in the power of any mischievous person to revive them. But he was not disposed to go the full length of repealing all statutes interdicting communication with the See of Rome, grounding this on the claims of the Pope to universal jurisdiction in all matters ecclesiastical, which he held might clash with the temporal obedience of subjects to their lawful sovereigns. The penalties of *premunire* and high treason were harsh and extreme; but he hoped that when the bill was in committee a middle course would be struck out. Nor was he disposed to acquiesce in an unqualified permission of Catholic processions in this country. He entertained no



alarm on the subject himself; but he would not answer for the peace of the country, especially in such towns as Birmingham or Manchester, if these Catholic processions were to be freely tolerated. Nor could he help noticing the extraordinary conduct of the Archbishop of Paris, in sanctioning prayers for the conversion of this country to the Catholic faith. Her Majesty was extremely popular in France, but such a prayer was, in fact, a prayer that she might forfeit her Crown.

The Bishop of LONDON expressed his approval of the principle of the bill, but his doubts as to whether the Queen's supremacy would be untouched by its enactments.

LORD CAMOYS thought the relief should be more extensive, and embrace the disabilities which were incorporated into the Emancipation Act, prohibiting Roman Catholics from exercising church patronage, and Roman Catholic dignitaries from assuming certain titles, &c.

The Bishop of EXETER heard with astonishment and pain that it was proposed to break in upon the settlement of 1829. Much gratitude had been expressed for the boon of the Emancipation Act; but where was that gratitude now? So far from assenting to the repeal of the enactment against the use of titles by the Roman Catholic clergy, he thought a penalty ought to have been extended to all who gave those titles to them. As to the supremacy of the Pope, he objected to the removal of the penalties for teaching it. Even at the present day, the supremacy of the Pope is carried to a frightful extent. If they permitted themselves to declare it no longer penal to extol that supremacy, they must prepare themselves for nothing less than another religious war: nothing short of that could happen if they declared this extolling the supremacy of the Pope to be no longer penal.

LORD BRAUMONT denied that the measure affected, in the least degree, the supremacy of the Crown.

LORD CAMPBELL gave the measure, so far as it went, his hearty support; and pressed upon the Government, the propriety of establishing a concordat with the Pope: he believed that there would be no difficulty in gaining that object, and that it was a misapprehension to suppose that diplomatic intercourse with Rome was forbidden. He expressed regret that both parts of the original bill were not before them, the state of the law respecting oaths being much more important and more disgraceful than the statutes relating to the supremacy of the Pope on the publication of Bulls.

The LORD CHANCELLOR, in his reply, observed, that there was no Act of Parliament forbidding the importation of Bulls in Scotland and Ireland.

The bill was then read a second time.

The LORD CHANCELLOR: It is suggested that the importation of bulls is a question for discussion under the tariff [laughter].

LORD CAMPBELL: And ought not to be discussed now that the cross benches are empty [laughter].

#### THE CORN BILL.

On the reading of the order of the day for the House going into committee upon the Corn Importation Bill on Monday.

LORD G. BENTINCK rose, and favoured the House with an almost *verbatim* repetition of the statements already made by his lordship during the progress of this measure. He denied the badness of the wheat crops in this country last year, the scarcity in Ireland, the progress of free-trade sentiments in foreign Governments, and, lastly, the need of the Government scheme for restoring the flagging energies of trade, illustrating these several points, as usual, with an imposing array of documentary evidence. The noble lord concluded by moving that the House should proceed with the bill "that day three months."

SIR R. PEEL commenced by reiterating the statements previously put forward by Government respecting the progress of famine in Ireland. That distress had been admitted by Lord G. Bentinck himself when agreeing to be a party to the temporary suspension of the duties upon the admission of foreign grain into the Irish ports. [This observation the House accepted with vehement cheers.] The recent fall in the price of potatoes was chiefly attributable to the proceedings of Government for augmenting the supply of food in Ireland. The right hon. baronet then argued the advantages which might be expected to accrue to the different classes in England by the adoption of free-trade measures. What had protection effected for the Irish? The allegation that the existing distress in Ireland was chronic, necessarily admitted the inefficiency of that system. Referring to a speech by M. Guizot, which had been quoted by Lord G. Bentinck, the right hon. baronet took occasion to avow his anxiety to preserve unimpaired the influence of a "territorial aristocracy." The question was, how could this authority be most effectually preserved? Chiefly by identifying itself with the people, relinquishing prerogative when it militated with the general interests of the nation, and manifesting a prompt acquiescence in the natural changes of society.

MR. G. BANKES raised a good round of Protectionist cheers by taunting Sir R. Peel with inconsistency. He then undertook to explain afresh Lord G. Bentinck's motives for endeavouring to fraternise with Mr. Smith O'Brien and the Irish party.

LORD J. RUSSELL, having expressed his concurrence in the observations of Sir R. Peel respecting the proper functions of a landed aristocracy, adverted to the relation of Sir R. Peel towards the Protectionist section of his party. He lectured the Protectionists on the policy of timely concession:—

With regard to other questions which might arise after the corn-law was settled, especially with regard to Ireland, he hoped the honourable gentleman and others would consider whether there might not be measures which it would be wise for Parliament to enact, before they were dictated by popular agitation [hear, hear]. He felt sure, if they meant to do that which he trusted was their destiny—to give a living example to the nations of the world—that which in the House of Commons they ought deeply to consider was, which of their institutions, which of their laws, were founded on truth, and reason, and justice [hear, hear]. They found fault with the right hon. gentleman for declaring that the corn-laws were unjust. They were restrictive, and, as such, they were opposed to the general welfare of the people. Could they, then, be called anything but unjust

laws? If, then, there were other laws which equally bore the stamp of injustice, let them not wait to raise up associations and monster meetings [hear, hear]. They would tell them—they would inform them what they should do. Be wise beforehand, and take an example from what happened in the case of the Catholic question and the Reform Bill, and endeavour to insist on that only which could be maintained. Let them stand by those institutions which were good, and give up and correct those which were unworthy of their support [loud cheering]. In that case, he felt convinced it would be said of this great nation that it was a wise and understanding people [loud cheers].

MR. B. D'ISRAELI favoured the House with a dissertation upon "territorial aristocracies," concluding with what he styled "a few desultory observations" upon political economy.

A good deal of confusion here ensued with respect to the further proceedings of the House. After two abortive divisions urged on by the Protectionist members, it was ultimately arranged that the chairman should report progress and obtain leave to sit to-day; while the report was to be brought up on Friday, and the third reading to take place on Monday.

#### MISCELLANEOUS.

THE RAILWAYS DISSOLUTION BILL passed through committee in the House of Lords on Friday night, with a few verbal alterations. On Monday, the Earl of DALHOUSIE, on moving the reception of the report on the Railways Dissolution Bill, said it was his intention, in order to meet the objections of certain noble lords, to insert a clause enabling the minority against the dissolution of a company, to have the option of purchasing the plans and sections at a valuation to be made at their own cost. He could not, however, accede to the further proposition, of prohibiting persons who had become possessed of scrip since the 31st of March, from exercising the right of voting. After a short discussion, in which EARL GREY, LORD REDENSDALE, LORD KINNAIRD, and the Earl of RADNOR took part, the report was received.

THE DANISH CLAIMS.—On Thursday, MR. HAWES submitted as a motion that the House resolve itself next Wednesday into a Committee to consider the propriety of addressing the Crown on the long-standing claims, so often brought before the House, arising out of the seizure of British ships and cargoes by the Danish Government in 1807. MR. GOULBURN assigned the old reason of all Chancellors of the Exchequer for resisting the motion. On a division, however, 59 voted for it, and 41 against it. So the House is pledged to go into Committee on the subject.

RAILWAY LABOURERS.—On Thursday, assent was given, on the motion of MR. BOUVERIE, to the appointment of a Committee to consider the condition of the labourers employed in the construction of railways.

PENSIONS TO LORDS HARDINGE AND GOUGH.—On Monday SIR ROBERT PEEL brought under the consideration of the House of Commons the proposal of the Government for rewarding Lords Hardinge and Gough for their recent services in India. After having briefly reverted to those brilliant and meritorious exertions, he proposed that £3,000 and £2,000 a year should be allotted to Lords Hardinge and Gough respectively for their own lives, and to their heirs male for two generations. In the event, however, of the East India Company making any provision (of which he intimated his expectation), it was recommended that the Parliamentary votes should not take effect until the two gallant officers' decease. This proposition appeared to meet with the general approbation of the House. The intentions of the East India Company with respect to Lords Hardinge and Gough were announced by MR. HOGG, chairman of that corporation. He stated that the directors had unanimously resolved to vote Lord Hardinge a pension of £5,000 a year for life, and a pension of £2,000 a year to Lord Gough; and, although their votes were at present inchoate, he had every reason to expect that they would be confirmed by the East India proprietors. The report was agreed to.

THE CHARITABLE TRUSTS BILL.—Numerous petitions against this obnoxious measure have been presented during the past week. On Thursday, the LORD CHANCELLOR, in answer to a suggestion made by LORD CAMPBELL, observed, that the withdrawal of the bill might be a relief, not to the public mind, but to the petitioners, some of whom had been proceeded against in consequence of the report of the Commissioners of Charities, and had been obliged to refund the monies given them for charitable purposes, which they had applied to their own particular purposes. On Monday, however, his tone was somewhat altered. The following announcement was then made:—

LORD STANLEY presented a petition from the Preston Auxiliary Religious Tract Society, praying to be exempted from the operation of the Charitable Trusts Bill. He wished to know from his noble and learned friend (the Lord Chancellor) whether he would take into consideration the propriety of exempting from the operation of the bill the class of persons to whom the petition which he had presented referred. He was in favour of the principle of the bill, but he thought there was reasonable ground for the exemption of societies constituted as the petitioners were.

The LORD CHANCELLOR said, in answer to the question put to him by his noble friend, that repeated applications had been made by him to societies constituted in the same manner as the present petitioners, and he had firmly stated that he would take into consideration the statements made to him. It was his intention to do so, and when he moved the second reading he would then state what course he meant to pursue with respect to societies of this description and other societies similarly constituted. In justification of the course pursued he begged leave to remind their lordships that the bill was laid on the table of the House last session of Parliament. It was referred to a committee which sat in deliberation upon it for several weeks, and the bill came out of that committee in the form in which it was now presented to their lordships. Before the second reading he would take into consideration the propriety of exempting that class of societies to which his noble friend's petition referred.

NEW ROYAL PARK AT BATTERSEA FIELDS.—On Friday, MR. YOUNG obtained leave to bring in a Bill to empower the Commissioners of her Majesty's Woods to form a royal park in Battersea-fields, in the county of Surrey, and to enable the Commissioners of her Majesty's Woods to construct an embankment and roadway

on the north shore of the River Thames from Battersea-bridge to Vauxhall-bridge, and to build a suspension-bridge over the said river, at or near Chelsea Hospital, with suitable approaches thereto, including a street from Lower Sloane-street to the northern extremity of the bridge.

THE DIVISION OF THE IRISH CORRECTION BILL, on the motion that it be read a first time:—

Ayes, 276.	
English, &c., Conservatives .....	217
Irish Conservatives .....	28
245	
English, &c., Liberals .....	28
Irish Liberals .....	3
31	
276	

Noes, 127.	
English, &c., Conservative .....	1
English, &c., Liberals .....	85
Irish Liberals .....	41
127	

Majority..... 149

THE BOY JONES.—The boy Jones, of palace-entering notoriety, who, it will be remembered, was some years ago shipped on board the Warspite as a boy of the second-class, did not come home in her, but was transferred to the Inconstant shortly before the Warspite's leaving. He had then attained the rating of an ordinary seaman. At climbing he had no superior in the Warspite; on one occasion he climbed to the main truck, and seating himself there, threw off his hat, jacket, and shirt, and flung them on deck. He is represented as well conducted, and a very good seaman, considering the time he has been at sea.

REPRESENTATION OF MONMOUTHSHIRE.—It is currently reported, and we believe upon unquestionable authority, that a movement is in progress to remove Lord Granville Somerset from the representation of this county, at the next election.—*Monmouthshire Merlin*.

THE LATE TRIAL.—GATHERCOLE v. MIALI.—Both these parties are convicted libellers. What is the difference? Mr. Gathercole, the plaintiff, was convicted of publishing a libel against certain Roman Catholic ladies which was indisputably false, and was imprisoned for so doing. Mr. Miall, the defendant, was convicted of publishing in the *Nonconformist* a libel against Mr. Gathercole, which, as to the main facts, was indisputably true, and is awarded to pay £200 damages, and heavy costs. Many an honest man will exclaim, "What, truth a libel!" So says the law. If "calculated to injure the character of another, bringing that person into contempt or ridicule," it is a libel. Truth will necessarily, in many instances, be a severe libel.—*The Church* (Baptist penny magazine).

REFUSAL TO TAKE AN OATH.—At Bow-street, on Friday, John Rumney Forster, a reporter connected with the *Morning Post*, was summoned by John Kelly Courtney, a reporter of the *Sun* newspaper, for having used threatening language. Mr. Payne appeared as counsel for the defendant. The complainant being sworn, Mr. Payne begged to ask the complainant if he believed in the contents of the book which he had just been sworn upon? The complainant replied that he did not. The learned counsel intimated that, under such circumstances, such a person was not competent to give evidence in any court of law. Mr. Jardine, addressing the complainant: You were going on to say something. The complainant: There is no law to compel me to believe in the book on which I have been sworn. Mr. Jardine: Do you consider that you are bound by law by anything you swear upon the book upon which you have already sworn? Mr. Payne: Or, in other words, do you believe in a state of future rewards and punishments? Complainant: I do not believe in any such things. Mr. Payne submitted, that such a person could not be indicted if he was found swearing falsely, and such would be the case if he was called upon to give evidence on a case of murder. Mr. Jardine said that he was aware that there were express exceptions in which religious sanctions were granted to certain persons, which could not be applied to the complainant, as he was sworn, without any objection on his part, on his applying for the summons. Under the circumstances, he had no alternative but to order that the summons should be dismissed. The complainant: Then it must be understood, that an Atheist and a Deist may be assaulted in the public streets without the protection of the law. Mr. Jardine replied, that he could not argue the case any further, and the parties left the court.

SOCIETY FOR THE PROTECTION OF YOUNG FEMALES.—The anniversary festival of this society was held on Monday evening at the London Tavern; the Lord Mayor presiding on the occasion. The following appeal to the generosity of a humane public is made in the printed circulars of the society:—

"It is a melancholy fact that at the present time there are not less than thirty young females, under fifteen years of age, seeking admission into the Asylum at Tottenham, but cannot be received for want of funds. Numerous applications are continually being made. The Asylum will accommodate 100—there are only fifty inmates at present. Shall these young creatures continue in sin? or shall the committee be encouraged by liberal contributions to rescue from ruin those who are asking day after day for admission?" The usual loyal toasts having been drunk, the Lord Mayor proposed, "Health and Prosperity to the Society," which was warmly responded to. "The Army and Navy;" "The Lady Patronesses and Patrons of the Society;" "The Lord Mayor," and several other toasts were then given; and, after an evening very pleasantly spent, the company separated. The secretary announced the subscription as amounting to nearly 1,000*l*.

VALUE OF CHRISTIAN MISSIONS.—As an evidence of the value now attached to the efforts of missionary societies by persons in authority, it was mentioned at the late anniversary meeting of the London Missionary Society, at Leicester, that the Governor-General of India had subscribed £100 to its funds, and that in the same country a law had been made against the loss of caste, or the confiscation of property, on a Hindoo changing his religion, as was formerly the case.



## FOREIGN INTELLIGENCE.

## INDIA AND CHINA.

The extraordinary express in anticipation of the overland mail has arrived, bringing intelligence from Bombay, to the 1st April. Tranquillity prevailed throughout India. The treaty of peace between the East India Company and the Maharajah of Lahore was signed at Lahore on the 9th of March. By Art. 3, the Maharajah cedes to the Company all the territory comprised between the rivers Beas and the Sutlej. By Art. 4, the Maharajah, finding it impossible to complete the payment of the indemnity agreed to, cedes to the Company all the mountain territory comprised between the Beas and the Indus, including the provinces of Cashmere and Mazarah. By Art. 5, the indemnity to be paid by the Maharajah is fixed at fifty lacs of rupees (12,600,000 francs). In one word, the Company obtains by Article 10 the right of passage for its troops through the territory of Lahore when the affairs of the Company may require it. By Art. 12, the Maharajah acknowledges Goolab Singh as independent Sovereign of the territory which he at present possesses, and of those which the Company may cede to him hereafter.

On the 16th of March another treaty was signed at the Umritsir between the Company and the Maharajah Goolab Singh. By the 1st article, the Company cedes to Goolab Singh the territory to the east of the Indus, and to the west of the Ravee. Art. 3 stipulates the payment to the Company by Goolab Singh of 18,750,000 francs. By Article 6 Goolab Singh engages to unite all his troops to those of the Company in the operations which may take place within the limits of his territory. By the Article 10, Goolab Singh acknowledges the supremacy of England; in testimony of which he will pay annually to the English government a horse, twelve goats, and six Cashmere shawls.

The Scinde army, which had reached Bhawalpore, was ordered to be broken up on the 10th of March, and most of the regiments returned to Sukkur, &c., in order to be stationed in Scinde, while the Bengal troops proceeded towards Ferozepore. Sir Charles Napier, who by a most rapid march had reached the Governor-general at Lahore, on the 3rd of March, and where he was received with every distinction, was to return to Scinde as Governor-general. Sir J. Littler, at the head of 10,000 men, is to occupy Lahore for the remaining months of 1846; the Lahore government has to defray the expense of the British troops there. The Governor-general was expected to quit the Lahore state on the 20th of March, and to proceed into the newly-acquired provinces to the east of the Beas, in company with Sir Charles Napier, where they will have to regulate the cantonments. It appears to be expected that the Governor-general will pass the hot and rainy months at Simla.

The hot months had begun in India, and great complaints were heard of the want of water, in consequence of the scanty fall during the last monsoon. A famine was feared in various districts during the two months which had to elapse before the rains set in.

News from China comes down to the 27th February. The ill feeling evinced towards us by the inhabitants of Canton had not diminished, and it was not considered safe to venture among them alone. Inside their city they seemed determined not to allow foreigners to enter. Trade was brisk, and the health of the troops everywhere good.

## SPAIN.

The insurrection in Galicia is nearly at an end. The people had nowhere joined in it. On the 21st General Concha marched from Orense upon Santiago, to attack the rebels commanded by Solis, whilst Brigadier Blasier was to operate against the insurgents of Vigo. The insurgents under Solis were defeated, and their leader taken prisoner. The defeat of Colonel Solis, at Santiago, has been followed up by another disaster. The town of Lugo, which was the first place which declared in favour of the insurrection, has surrendered to the Queen's troops. General Villa Longa entered that town on the 26th, and took upwards of 300 of the insurgents prisoners. The last accounts received of General Concha state, that he left Santiago on the 24th ult., and was proceeding with all despatch to Vigo. Colonel Solis, and the other prisoners, had been sent to Corrunna for trial.

General Bilbao has declared the whole province of Burgos in a state of siege, and has issued a proclamation which surpasses even that of General Breton for ferocity. The proclamation terminates with the following article, which is peculiar for its barbarity, as might be expected from such a personage.—“(Single Article.)—Every person above eighteen years of age, of whatever class, condition, or sex, who, either by act or by word, may attempt to conspire against the Government of her Majesty the Queen our Lady, shall be shot without any previous trial, the crime having been certified.”

If the Times is to be believed, the suppression of this insurrection will not much improve matters. In a leading article on Monday, the leading journal emphatically declares that the revolt has its best wishes for its success. “The existence of the Government of Spain depends wholly on the possibility of removing Queen Christina from the country. If the Cabinet has the resolution and the power to send the Queen-Mother out of the peninsula, and immediately to convoke the Cortes, they will save the country. If not, we can see no term to the miseries which must ensue. We have every reason to believe that the events which have occurred are only the precursors of a more serious and general declaration against the Government, or, to speak more correctly, against the Queen-mother. They have resumed power on what was supposed to be a Parliamentary and constitutional basis, but they have allowed the ordinance suspending the Cortes to remain in full force, they have continued to persecute the press, and to govern in defiance of the laws.”

## FOREIGN MISCELLANY.

AMERICA.—We have intelligence from Boston to the 7th ult. The Oregon debate was still undetermined. On Monday, the 6th, Mr. Webster would address the Senate in vindication of the Ashburton treaty; and Mr. Denton, it was expected, would follow in opposition to

Messrs. Allen, Cass, &c. No date to the termination of the discussion had been named, and it was believed no vote would be taken until after the receipt of further advices from this country.—It was believed the notice would pass the Senate with an express declaration in favour of a compromise.

EARTHQUAKES IN THE ISLANDS OF THE MEDITERRANEAN.—The two very violent shocks of earthquake experienced at Malta on the afternoon of the 28th of March, extended with equal violence to Sicily, Zante, Corfu, Mytilene, Rhodes, Smyrna, and Alexandria. Accounts from Catania mention that the earthquake of the 22nd of April had done much damage to the buildings in that town; and in consequence of loud and unusual rumbling, subterranean noises in the vicinity of the base of Mount Etna, great consternation prevailed among the inhabitants, who look upon them as forerunners of an eruption of some magnitude.

THE CAUCASUS.—According to advices from Teflis, received via Odessa, the Russian troops had again been attacked by Schamyl, and driven back with great slaughter from the military positions they held on the Caucasian frontier. The Circassian chief was said to be at the head of 40,000 men.

SIR J. CANNING, the British ambassador at Constantinople, has drawn up an energetic remonstrance to the Porte against the persecution of the Albanian Christians.

PRUSSIA.—According to a Berlin letter of the 26th ult., the King, in accord with M. Canitz, minister of Foreign Affairs, has insisted that the Provincial States shall be convoked without delay, in order that a new constitution be submitted to their consideration, his Majesty being anxious to have their opinions upon the subject.

THE DISSIDENT CATHOLICS OF BADEN have, by a ministerial order, been permitted to celebrate public worship, on condition of their abandoning the title of German Catholics, and calling themselves an “Association of the Partisans of the Confession of Leipsic.”

THE KING'S FETES almost exclusively absorb, just now, the attention of our French neighbours.

The Paris Commerce states that several pardons are to be granted on the approaching anniversary of the King. Among others, the sentence of Madame Laffarge is to be commuted to imprisonment for ten years, to be computed from the period of her arrest.

ERUPTION OF MOUNT HECLA.—Letters from Iceland, received at Copenhagen, state that a great misfortune has befallen that country in consequence of the present eruptions of Hecla; a fatal malady having attacked the cattle, from eating herbage which had been covered by the volcanic ashes:—

These ashes act more particularly on the bones of the animals which have swallowed them. Thus, on the bones of the feet there are formed, in less than twenty-four hours, osseous excrescences of an oblong form, which gradually assume so formidable a development that they prevent the beasts from walking; the same phenomenon is then manifested in the lower jaw, which is at the same time enlarged, and extends in all directions so considerably that it eventually splits in several places; while on the teeth of the upper jaw there is formed a species of osseous needles, very long and pointed, which take root in the lower jaw, and even traverse it—a phase of the malady which always determines a fatal issue. As high winds had prevailed for some time, the volcanic ashes were scattered throughout the island; and a great number of cattle, especially oxen, cows, and sheep, had perished. If the eruption of Hecla is prolonged for two months more, all the rural proprietors who have not enough hay to keep their herds—and the majority are in this situation—will be obliged either to slaughter their cattle, or to abandon them to certain death on the pastures thus poisoned by the volcanic ashes. The eruption of Mount Hecla was extremely violent. The flames, which issued from three great craters, attained a height of 14,400 feet, and their breadth exceeded the greatest breadth of the river Piceren, the most considerable river in Iceland. The lava had already formed lofty mountains; and amongst the masses of pumice stone vomited by the volcano, and which have been found at a distance of three-fourths of a mile, there were some which weighed half a ton. By the eruption of Hecla, the enormous quantities of snow and ice which had accumulated for several years on the sides of that mountain, have melted, and partly fallen into the river Rangen, which has overflowed its banks several times. The waters of that river, which runs almost at the foot of Mount Hecla, and which receives a large portion of the burning lava, were so hot that every day they cast upon the banks numbers of dead trout, almost half baked. Every night vivid streaks of the aurora borealis illumined the sky.

The Constitutionnel of Thursday mentions that the upper part of the carriage in which the King and the royal family were riding, when fired upon by Lecomte, was brought to Paris on Wednesday, and deposited in the palace of the Luxembourg. It is pierced with two bullets, and is intended to serve as an evidence at the trial. The Chancellor had sent an artist to Fontainebleau, to draw an accurate plan of the spot where the crime was committed.

An edict has been posted on the walls of Rome, denouncing the modern innovation of gas light, and ordering that all private gas-works should be suppressed!

THE ANTI-STATE-CHURCH ASSOCIATION IN SOUTH WALES.—We learn from some of the Welsh periodicals for this month, that Churchmen have begun to inquire what has been done by the gentlemen who are members of the council in South Wales. The North, it seems, has held a conference, with what practical results we have not been able to ascertain, but nothing seems to have been done in the South. Surely it is high time for our friends to be up and doing. They must bear in mind that the Bishop of St. David's is not idle; and the longer we remain inactive the more difficult it will be to arouse our countrymen to their duties.—From our Correspondent.

BRECON COLLEGE.—The annual examination of this college is to take place on the 17th of next month. Mr. C. Morris and Dr. W. Smith of London are expected to be present, as deputation from the Congregational Fund Board; and we trust their gratification at the result will not be less than at their last visit, in 1844.

THE ARCHBISHOP OF YORK.—This venerable prelate is at present labouring under great debility.

TRAGEDY AT BATTERSEA.—Saturday afternoon, about three o'clock, a most dreadful occurrence took place on Battersea-bridge, by a mother throwing her four children into the Thames: one a boy, about seven years of age; a girl, about four years of age; and an infant in arms, also a girl about twelve months old. When she got to the middle of the bridge she was seen to walk a few yards to and fro in a hurried manner, and then threw the children one after another over the railings into the river, and was getting over the balustrades herself when she was prevented by the passers by, who secured her, and gave her into custody. She stated that her name to be Eliza Clark, her age twenty-four years; that she was the wife of William Clark, a journeyman painter, living at No. 7, Cumberland-street, Marlborough-road, Chelsea, and that the children were her own. Attempts were being made on the river to save the unfortunate children. The second child (a girl) four years old, was rescued, and is recovering. The infant child was also promptly got out, but life was quite extinct. Shortly before four, the prisoner was removed to the Westminster Police-court, Vincent-square, for examination. Mr. Burrell having asked her whether she wished to say anything, she looked eagerly around her, and said in a low tone: “He said, ‘Good-bye,’ when he went out this morning; he has not said so for a long time before. He doubled his fist in my face when he went out, and said, ‘I’ll come home thundering drunk, and I’ll be hung for you.’ He broke the panel of the door by knocking my head against it.” Mr. Burrell: Have you anything to say as to drowning your children? Prisoner (incoherently): Suppose I had died, my poor children would be starved to death. It’s a hard struggle now to get them a bit of bread. I have done all I could. Mr. Burrell remanded the prisoner until Wednesday. The poor woman has been much ill-treated by her husband, who bears the character of a very dissipated man, while his wife is stated to bear a most excellent character, and is a remarkably quiet and meek woman. Clark is stated to have been formerly in the police, it is believed in the G division, but was dismissed for misconduct. Mr. Wakley commenced an inquest on the body found on Monday, but it was adjourned for a week.

MR. SMITH O'BRIEN occupies what is called the “cellar” of the House of Commons. He was committed on Thursday. The hon. gentleman was accompanied in his retreat to his strong-room by several Irish members, and was shortly afterwards visited by others. The room occupied by the hon. member is one of two of the same size, and is about 10 feet by 20 feet, and seven feet in height, and is situated on the ground-floor immediately between the entrances of the two Houses of Parliament. There is at present a palisading of about 10 feet high obstructing the view between Mr. Smith O'Brien's room and Old Palace-yard. The interior has an air of supreme comfort, and the only prison-like appurtenances that distinguish it are certain bastille embellishments at the window in the shape of bars and balustrades. There is a French bedstead prepared for the new visitor. The hon. member has addressed a letter, dated “May 3, Prison of the House of Commons,” to the inhabitants of the county of Limerick, in which he says:—

If I shall have the satisfaction of learning that you approve of my conduct, I shall cheerfully endure the utmost penalties which a tyrant legislature can inflict—prouder and happier in my cell, than if I inhabited a palace. If, on the contrary, I shall find that my conduct is disapproved and disavowed by you, I shall resign my seat and abide the course of events, trusting that a time will yet arrive when a nobler generation will be prepared to give effect to that high purpose which has been proclaimed as the will and resolve of the Irish nation.

ELOPEMENT IN HIGH LIFE.—Another elopement in high life is the general theme of conversation at the west end of the metropolis. The parties are Lady Anna Elizabeth Mary Grenville, only daughter of the Duke and Duchess of Buckingham, and Mr. Gore Langton, grandson of Colonel William Gore Langton, M.P. for East Somersetshire. The couple repaired to St. George's Church, Hanover-square, license having been previously obtained; but an official connected with the church repaired to the Duke of Buckingham's house in Pall-mall, to apprise the Duke and Duchess of the clandestine marriage of their daughter. The Duke instantly went to the church to put a stop to the marriage, the officiating clergyman having in part proceeded with the nuptial ceremony. Lady Anna Grenville was immediately taken home to her noble father. There were many persons assembled for the customary morning service, and the frustration of the intended marriage caused much curiosity. Mr. Langton had made proposals to the Duke for the hand of his daughter, which were declined. It is since said, that all objections have been removed, and that the marriage will take place in the course of the present week.

THE COERCION BILL.—A meeting of the friends of Ireland was held on Wednesday evening, at the Crown and Anchor Tavern, London, for the purpose of deprecating “the atrocious Coercion Bill proposed for that country.” The room was crowded to excess, many hundreds being unable to obtain admittance. Resolutions deprecating of the Government bill were passed; Mr. Dillon Browne, M.P., Mr. D. O'Connell, M.P., and Mr. Richard Taylor, of London, being the principal speakers.

TREDEGAR.—A lecture on the object and the constitution of the Anti-State-Church Association was delivered at Sharon Chapel, by the minister, Mr. Evan Jones, on the 28th ult. The lecture was well attended, and a very general wish was expressed for the Association to publish tracts in the Welsh language. We trust that something will be done in this matter ere long. A few plain and well-written tracts, and well-authenticated facts, would be sure to produce considerable impression in the Principality.

WALTHAMSTOW.—Mr. J. J. Freeman, having resigned the pastorate of the Congregational church in this place, (with the view of giving his whole time the service of the London Missionary Society, as one of its secretaries,) Mr. Machray, of Edinburgh, (late of Dumfries,) has accepted an invitation to become his successor, and is expected to enter on his engagements early in June next.



## EPITOME OF THE WEEK'S NEWS.

## DOMESTIC.

**THE AMERICAN ANTI-SLAVERY VICTIM.**—Our readers will learn, with deep regret, that the Rev. C. T. Torrey, now confined in Maryland gaol for having aided certain slaves to escape from bondage, is extremely ill, and that his disease is of such a nature as to forbid his friends the hope that he will long survive. Deeply commiserating the feelings of the amiable and accomplished wife of Mr. Torrey, the Rev. A. J. Phelps and Professor Cleveland have made certain offers of a pecuniary character to the prosecutor, Heckrotte, with a view to facilitate his release from prison; but finding that they were trifled with, they have withdrawn the offer.—*Anti-Slavery Reporter*.

**THE EVANGELICAL ALLIANCE AND THE AMERICAN SLAVEHOLDERS.**—The following are the exact terms of the resolution adopted by the late conference of the friends of the Evangelical Alliance, at Birmingham, on this subject, after four hours' discussion:—

That, while this Committee deem it unnecessary and inexpedient to enter into any question, at present, on the subject of slave-holding, or on the difficult circumstances in which Christian brethren may be placed in countries where the law of slavery prevails, they are of opinion that invitations ought not to be sent to individuals who, whether by their own fault or otherwise, may be in the unhappy position of holding their fellow-men as slaves.

A journeyman tailor in Leicester, an allottee, having been served with a writ at the instance of a bubble-board, packed up all his worldly goods—his goose, needle, and thimble!—and sent them by Pickford to the secretary, with his compliments! The goose, he suggested, might form a centre-dish at the next "committee-dinner."

Mr. John Poynder, in a letter to the *Times*, states, that four women were burned at Lahore, on one pile, just before Sir H. Hardinge's attack, and that 666 have been destroyed in the same way (the Suttee) within the last ten years.

The sum of £500 has been collected by the congregation assembling at the Newark Independent Chapel, by which noble effort the debt on that place of worship has been liquidated.

**THE TITHES SYSTEM.**—With great rigour are the tithes being enforced in Mansfield; even the occupiers of small gardens are threatened with seizure, unless payment be made. All well and good! Let the Church go on and on, seizing pigs, and cows, and cabbages at random; for the more she does so the sooner will the spirit of justice and public opinion seize hold of her, and shake off her mammon clutch alike from the consciences and pockets of her opponents.—*Notts Review*.

We understand that, at the ensuing meeting of the General Assembly, the Rev. Dr. James Brown, Professor of Greek in Marischal College, Aberdeen, will be proposed as moderator.—*Witness*.

**A FEMALE LECTURER.**—Mrs. Jackson, a celebrated advocate of teetotalism, has been lecturing at Hexham, this week, to numerous audiences.—*Newcastle Guardian*.

**THE GAME LAWS.**—The *League* states that from the character of the witnesses examined before the game law committee, and their opportunities of knowing the evils of game preserving, a case so conclusively condemnatory of the game laws will be made out as to render their speedy abolition imperative.

Mr. Rawlinson, relieving-officer for the Cartmel district, has forty-two paupers who reside in the parish whose united age amount to 3,362 years, the average age being eighty years each: the oldest is eighty-eight, and the youngest seventy-five.—*Manchester Examiner*.

**THE FREEDOM OF THE CITY.**—In the Lord Mayor's Court, last week, an action was tried against Mr. Sturt, a warehouseman, at Wood-street, for having refused to take up his freedom. The jury returned a verdict for the defendant.

In the court of Queen's Bench, on Thursday, Mr. Barnard Gregory was brought up to receive judgment for his four libels in the *Satirist* newspaper against the Duke of Brunswick. He was sentenced to eight months' imprisonment—two months for each libel.

At the annual meeting of the Shakspeare Society of London, held on Tuesday last, the original mortgage-deed of Shakspeare's property at Blackfriars, which had been discovered among Garrick's papers with the autograph of the poet attached, was exhibited. The relic had been offered to the trustees of the British Museum for 200 guineas, but declined.

The name of Prince Albert appears the first in a recently published list of the benchers of Lincoln's-inn.

The Queen Dowager has taken Cashiobury-park, Herts, the seat of the Earl of Essex, for two years.

**THE NEW PROTECTIONIST LEADER.**—The *Morning Chronicle* of Saturday, in setting forth Lord Stanley's qualifications for leading the Protectionist Peers in their approaching campaign against the Government Corn Bill, tells the following anecdote:—

Some weeks ago, a deputation from Manchester, consisting of gentlemen of all political parties, visited London, for the purpose of acquainting Sir Robert Peel with the state of their district, and the critical condition and prospects of the vast industrial interests represented by them, and placing in the Premier's hands a petition to the House of Commons, signed by nearly every man of weight and influence in Manchester, praying for the speedy passing of the Corn Bill and Tariff. They likewise visited Lord John Russell. They next sought an interview with Lord Stanley; but his Lordship was 'engaged,' and declined to receive them. Subsequently, during the Easter recess, when Lord Stanley was in Lancashire, and in the presumable enjoyment of a leisure not compatible with his important and onerous avocations in town, the committee appointed at a public meeting in Manchester to watch over the progress of the Free-trade measures in Parliament addressed a letter to his Lordship, requesting an interview with him at Knowsley. This letter was written by the chairman, Mr. Robert Gardner, a gentleman of well-known Conservative politics. The noble Lord's reply was characteristically off-hand and nonchalant: he told Mr. Gardner, and the town and district of Manchester, that as he

had made up his mind to oppose the Government measure at any rate, he must decline a meeting which could lead to nothing.

We understand that the late Captain Hamilton, Port-Glasgow, has bequeathed the munificent sum of £20,000, to be divided between the Sustentation Fund and the various missionary schemes of the Free Church.—*Renfrewshire Advertiser*.

**ARRIVAL OF THREE YOUNG CHINESE IN HUNTLY.**—It was an interesting sight to see three young men from China worshipping with us last Sabbath in the Independent Chapel. Dr. Legg, who is a native of Huntly, was engaged in China as a missionary. In consequence of ill health he has been obliged to return to Britain. He has brought three young lads along with him for the laudable purpose of being educated in this country, and then return as native missionaries. They are dressed in the costume of their country. The hair is cut bare on the fore-half of their heads, while on the back-half it has never been cut; but is plaited "Maryplait," and hangs down their back in great length. Their outer dress was a light blue robe, hanging loosely like a morning gown. They are nearly 20 years of age, and one is tall in appearance.—*Glasgow Examiner*.

**THE FALKIRK BURGHS.—RETURN OF LORD LINCOLN.**—The nomination took place on Wednesday, when Lord Lincoln and Mr. Wilson were respectively nominated. On the show of hands only about a dozen were held up for Lord Lincoln. Lord Lincoln declared that, although he would give no pledge on the subject, he did not again intend to offer himself as a candidate for the Falkirk Burghs. The polling took place on Friday. At the close of the poll the numbers were:—For Lord Lincoln, 506; for Mr. Wilson, 495; majority, eleven. At a subsequent meeting of his friends, his lordship stated that he highly estimated the importance of the result, inasmuch as, had he been defeated on this occasion, he would have felt it to be his duty to resign his office of Secretary for Ireland.

A very ungrateful fellow was charged with robbery at the Southwark Police-office, on Tuesday. Thomas Swainson had been a patient at Guy's Hospital, in a ward appropriated to sufferers from blindness; when he recovered from his disease, he took advantage of the unhappy state of his fellow-patients to rob several, and then absconded. The proceeds of his thefts he expended in debauchery, which brought on his former illness. He applied to St. Thomas's Hospital for admission; but having been recognised as the robber of Guy's, he was handed over to the police, and was committed for trial.

**THE POOR MAN'S GUARDIAN SOCIETY.**—A public meeting of the inhabitants of Westminster took place on Friday night, Sir De Lacy Evans in the chair, having for its object "to aid the poor in their applications for parochial relief, and to secure to them the legal and humane dispensation of the law." The meeting was very eloquently addressed by Mr. Walter, Mr. Wakley, Mr. J. Fielden, and others; and resolutions expressive of the object of the meeting were passed.

**THE CASE OF MR. SHORE.—RELIGIOUS TOLERATION.**—Our readers will, doubtless, recollect the particulars of this important case, which has already been tried in the Ecclesiastical Court, Exeter, and by appeal in the Arches Court, under the title, *Barnes v. Shore*. It was again heard on Monday, before the Court of Queen's Bench. A rule was asked for, calling on the plaintiff to show cause why a writ of prohibition should not issue to prevent the Dean of the Arches from further proceeding with this suit. Lord Denman, after a long and important judgment (which we regret our inability to give entire this week), refused the rule. The defendant he said, was not exempt from the authority of the bishop. Mr. Shore, to have any benefit from the statute of William and Mary, must show that he was a Dissenter, and that he was prosecuted because he did not conform to the Church of England. Now, as dissent was a matter of opinion, he was entitled, on his own bare assertion, to be considered a Dissenter. But the Court did not think that he could so divest himself of the character of a priest of the Church of England and Ireland, as to release himself, by his own act, from the vows which he had taken, and the duties, to the performance of which he bound himself. He could only be released from the vows and duties which were a part of his ordination, by the authority which had imposed the one and enjoined the other. The 76th canon, which his lordship read, was clear on this point. Though, therefore, Mr. Shore was, as a Dissenter, exempt from any penalties for not conforming, yet, as a priest in holy orders, he was not exempt from the duty of canonical obedience to his bishop, nor from the penalties of disobedience.

**ANOTHER M'NAUGHTEN.**—At three o'clock on Saturday afternoon, a man in the dress of a mechanic was observed to take up his position opposite the residence of Sir R. Peel, in Whitehall-gardens. His demeanour attracted the attention of a gentleman, who remonstrated with him, but he declared his intention of shooting the right hon. gentleman for imprisoning his countryman, Mr. Smith O'Brien, the champion of the cause of Ireland. A policeman passed, and the man was given into custody and conveyed to the station-house in Gardner's-lane. He gave his name James Cuthbert, and stated himself to be a house-painter. He was locked up, and will be taken before the magistrates at Bow-street this morning.

**THE SUNDAY-SCHOOL UNION PRIZE-ESSAY.**—The prize of £100 has, after a close and laborious examination, been awarded by the adjudicators to the MSS. under the signature of "Alpha." This essay is the production of the pen of the amiable and highly-gifted lady of the Rev. T. W. Davids, of Colchester, whose practical acquaintance with Sunday-school education rendered her eminently fitted for so important a work.—*Patriot*.

**THE DUKE OF RICHMOND AS A LANDLORD.**—We understand that upwards of twenty individuals, small farmers and cottars, on his Grace's lands in the district of Strathbogie and neighbouring parishes, have been served with summonses to remove themselves, with their families, at the first term of Whitsunday.—*Elgin Courier*.

## ABOLITION OF THE PUNISHMENT OF DEATH.

A very numerous and highly respectable meeting was held on Wednesday evening at six o'clock, at Exeter-hall, for the purpose of promoting the abolition of the punishment of death. The body of the large hall, and also the galleries, were densely crowded long before the proceedings commenced. Not only was every seat occupied, but great numbers were obliged to content themselves with standing room. A considerable portion of the meeting consisted of members of the Society of Friends of both sexes. On the platform, among many others, were—Lord Nugent, Mr. John Bright, M.P., Mr. W. Ewart, M.P., Mr. D. O'Connell, M.P., Mr. Milner Gibson, M.P.; Mr. W. J. Fox; Mr. H. Christmas and Dr. Mortimer (clergymen); Mr. Serjeant Gunning, Mr. R. R. Moore, Mr. Samuel Gurney, Mr. John Meredith, Mr. Henry Vincent, Mr. T. B. Wrightson, Dr. Campbell, Dr. Candlish, Mr. J. C. Barclay, Mr. F. F. Buxton, and Mr. G. W. Alexander. The chair was occupied by Mr. Ewart, M.P.

The CHAIRMAN congratulated the meeting on the progress the question of abolition was making—a progress grounded as much in the increased strength of their position as in the weakness and receding opposition of their opponents. As a last refuge, Scripture was appealed to in behalf of inflicting punishment of death for murder: but Mr. Ewart looked upon every principle of Christianity as adverse to the cruelty which, under a legislative form of retribution, was practised. As to the efficacy of capital punishments in repressing crime, all experience testified that it was not so efficacious as a milder description of punishment. By the statistical returns of Mr. Wrightson, it was shown that in the three last years in which there had been executions for several classes of crimes, the number of crimes amounted to 7,522; but during the three first years in which capital punishments for such crimes had been abolished, the number was reduced to 6,640.

Lord NUGENT moved a resolution—

"That the efficacy of criminal law depends less upon the severity of punishment than the certainty of infliction; and that laws which cannot be carried into execution without shocking the feelings of society, and sinking abhorrence of the crime in sympathy for the offender, are contrary to reason, inconsistent with morality, and opposed to the interests of justice—objections which most forcibly apply to statutes enacting the punishment of death."

In enforcing this resolution, Lord Nugent remarked, that notwithstanding the increase of population in this country, prosecutions and convictions were decreasing for every crime except one, and that the only one to which the punishment of death applied—murder, which had greatly and frightfully increased. In Sweden the same results were shown. But there was one nation in which the number of capital punishments doubled those of any other nation in Europe; and that was a nation in which murders were committed in the very streets—he alluded to Spain. Next to her, he regretted to be obliged to say, were the British Islands; the amount of convicted murderers and executions nearly doubling, according to the population, the convictions and executions in France—more than quadrupling, according to the population, the number of convictions and executions in Austria—and being more than eight times the number of those in Prussia. In Belgium, from the years 1830 to 1837, there were but six murders, and not one execution.

Mr. O'CONNELL moved—

"That, in the opinion of this meeting, no fallible tribunal should be entrusted with the power of inflicting an irrevocable punishment. That awful instances of the condemnation and execution of innocent men, convicted upon what appeared at the time the clearest evidence, prove the fallibility of the best constituted courts, and the necessity of adopting some punishment which may be recalled in the event of subsequent proof of the innocence of the supposed criminal, in place of a punishment which takes away that which man is powerless to restore, and consigns to a premature end a helpless fellow-being; thus closing the gates of mercy which God would leave still open, and shortening the time for repentance which he would still extend."

He submitted the resolution, not in the vain hope of enforcing any portion of it by anything like oratory. The day of his oratory had almost gone by. He had fallen into "the sear and yellow leaf" of life; and he could now come forward more in the capacity of a witness than as an arguer on any public question. In the present case, he was a competent witness; for during thirty-five years of his professional career, he had been the advocate of more criminals than any other barrister that ever addressed a public court. In the progress of that career, he had witnessed the working of that system; and he would not be honest—he would not be able to account to his God, before whom in the course of a few years at the utmost he must appear—if he did not give every facility—if he did not give his support and every possible intelligence he possessed—to put an end to an abominable system, which stained the judicial ermine with blood, and frequently covered the scaffold with innocent victims. In illustration, he mentioned a number of instances in which the innocence of persons who had suffered the punishment of death had been established.

The meeting was also addressed by Mr. Bright, Mr. J. Gurney, Mr. Christmas (a clergyman), Mr. W. J. Fox (who made a brilliant speech), and Mr. Vincent, who was most warmly applauded. We regret our inability to report any of their speeches. Petitions to the Queen and to both Houses of Parliament were adopted; and it was agreed also to form a society, to be called "The Society for the Abolition of Capital Punishments."

**STRIKES IN BIRMINGHAM.—BIRMINGHAM, MONDAY.**—The tin-plate workers, who struck against a reduction of wages, have this day gone to work, their employers having agreed to continue their former terms. The other trades still hold out. The carpenters held a meeting at the Town-hall, on Monday, when, after a good deal of discussion, it was unanimously resolved, not only to maintain the strike, but to refuse to resume work at less than 2s. a week advance on their former wages.



## BENEFIT OF CLERGY.

"The Press has not any right to express an opinion on the conduct of a clergyman in his parish."—BARON PARKER.

It was a "fitly spoken" word, for it was said "in season." However strong the doubt may be that it was said in reason; for who at clerical exploits has changed his eye to glance, Can think the judge's dictum not a "great deliverance"?

When clerical offences waxed worse and worse each day, And justice, when demanded, was seldom in the way, And, when at hand, appeared in worn out *Fustian* dress, Say, was it not a noble thing to try to gag the Press?

This is a blazing zeal, of apostolical descent: "Let none despise you" now may mean more than it ever meant; For if they are corrupt enough to feel contempt for sin, A judge is found who takes good care that they shall keep it in.

## MISCELLANEOUS.

Sir KNIGHT BRUCE, Vice-chancellor, confessed with a blush, one day last week, that he knew not how many dozens went to a gross. The learned judge was enlightened by a more learned counsel.

A GIGANTIC DAGUERRETYPE.—A recent French letter says: "M. Martens is said to have discovered the means of carrying on the daguerreotype process on a gigantic scale. He can, he says, daguerreotype an entire panorama, embracing 150 degrees! His process consists in curving the metallic plate, and causing the lens which reflects the landscape to turn by clock-work: the lens, in turning, passes over one side the whole space to be daguerreotyped, and on the other side moves the refracted luminous cone to the plate, to which the objects are successively conveyed."—*Mining Journal*.

THE CLERGY AND CAPITAL PUNISHMENTS.—Mr. H. Christmas, M.A., a clergyman of the church of England, and a zealous opponent of death punishments, writes as follows to the editor of the *Magazine of Popular Information on Capital and Secondary Punishments*, a Glasgow periodical:—

I have lately addressed a circular to my clerical brethren; and out of hundreds and hundreds of letters which I have received in reply, I find one-half to be in favour of the absolute, immediate, and unconditional abolition of death-punishments. Of those who do not entirely agree with me, nine-tenths express their deep regret that they cannot do so, and at least one-half think that the experiment might safely be tried. I am sure you will feel a pleasure in removing a stigma which you have cast upon a body of men who, however unwilling they are to engage in controversy or volunteer opinions beyond the limits of their own parishes, are thoughtful, judicious, and humane.

MESMERISM.—We have received so extraordinary a statement from Mr. J. B. Parker, surgeon in the Cathedral-yard, that we are bound in fairness to publish it without any disparaging observations. That gentleman states, that he has performed a most painful operation on the eye of a female patient on nine different occasions, the patient on each occasion being in the mesmeric state; the operation was performed without producing the least pain, and, what is more remarkable, no inflammation has followed either of the operations. As inflammation is the greatest danger to be avoided in this operation, this gives the mesmeric operator a most extraordinary advantage. He adds, that from three to seven medical, or other creditable persons, have been present at each operation. The case is published in the *Zoist* of this month.—*Western Times*.

ON DIT FROM OXFORD.—Puseyism, it is said, has changed its name. It is now called New-mania.

MR. AUSTIN, of London, has invented a plan for obviating the difficulties of diversity of gauge by the application of additional sets of wheels, whereby the same carriages may travel with equal facility on the broad and narrow gauge, and pass, without inconvenience, from one to the other. The carriages require to be of the narrow gauge dimensions, the axles being lengthened to receive the additional wheels.

CHARLES WATERTON, Esq., of Walton Hall, has determined to destroy the game within his park. This is an effectual mode of putting an end to poaching, and a much better device than sham pheasants.

CURIOS.—Some time ago, a frugal matron, who resides in a neighbouring village, washed a portion of lace, some riband, and a cap, and afterwards laid them upon a grass plot near the house for the purpose of drying them. Shortly after the finery had been laid down, the whole of the articles—lace, riband, and cap—were missing: no tidings could be obtained of them, until one day last week, when a thrush's nest was discovered in an adjacent brake; in which the whole of the lost articles were found, converted into building-materials, along with a quantity of moss and cow's dung.—*Whitehaven Paper*.

MARRIAGES.—From a Parliamentary return, just printed, we find that on the 31st December last the number of places of religious worship in England and Wales, registered for the celebration of marriages, was 2,467, of which 143 are in Middlesex, 220 in Yorkshire, and 236 in Lancashire. Classed by religious denominations, five are foreign churches, seventy-eight Calvinistic Methodists, 267 Arminian Methodists, 195 Presbyterians, 699 Baptists, and 970 Independents or Congregationalists, 300 Catholics, and miscellaneous fifty-two.

There are at present about 600 prisoners undergoing the solitary confinement in the model prison, Pentonville.

VERBAL MISTAKES OF FOREIGNERS.—An honest German now living, being disgusted at some trait of worldliness which he heard related, and wishing to say that rather than be guilty of such meanness he would quit society for a hermitage, and eat the fruit of the oak-tree, said with great animation, "Oh—I shall go into de vilderness, and live upon unicorns."

The electric telegraph has been happily described as "the highway of thought." A curious use is proposed to be made of this lightning-post in America, i. e. to telegraph the coming of storms from the inland, so that vessels on the coast may shape their courses with certainty of the weather! The magnetic postage, for ten words, from New York to Philadelphia for example (ninety-six miles), is about an English shilling.

The lady of T. Ashton Smith, Esq., of Tetworth, near Marlborough, is taking treatment at the Hydro-pathic Establishment, Sudbrook-park, Petersham, near Richmond, Surrey.

THE PEACE MOVEMENT.—FEMALE ADDRESS.—The women of Exeter have adopted a friendly address to the women of Philadelphia, and of the United States generally. It is a very interesting document, and has received the signature of upwards of sixteen hundred women of all classes and denominations. We hope it will go as a welcome message of peace across the wide waters, and that, through this and similar interchanges of Christian feeling and common sense, the horrors of war will be averted. The following is the address:—

The friendly address of the undersigned Women, inhabitants of the City of Exeter, in England, to the Women of the City of Philadelphia, and of the United States generally.

BELOVED FRIENDS AND SISTERS,—The suggestion of friendly international addresses, in order to deprecate war and create a pacific spirit, having been extensively approved, and its adoption pressed upon all classes, we trust it will not be deemed unseemly in women to seek, by the same means, to influence their American sisters in the cause of religion and peace. It may not be within our province to judge of the merits of the question now at issue between our respective Governments, but we must all feel how greatly to be dreaded would be a resort to arms on any subject. Let us then, beloved sisters, unite together, though separated by the mighty deep, in using the influence we possess, which is not powerless though exerted chiefly around the domestic hearth: let us seek to infuse into the minds of our husbands, our fathers, our sons, and our brothers, and of all around us, a spirit of amity and concord, whispering peace wherever the sounds of discord are heard; and let us, as mothers, watch over the opening minds of our tender offspring, and point out to them that the way to true honour is not through fields of battle, but through the enlightened straightforward course of justice and equity prescribed by the Gospel of "Peace on earth and goodwill towards men." You and we have a common ancestry, and are bound together by innumerable ties of consanguinity and mutual interest; surely, then, we ought to be united in the bonds of Christian love. How shall those whose interests require the maintenance of closest friendship, and who ought to love as brethren, meet on the field of battle to destroy each other? Above all let us unite in prayers to the Great Lord of the Universe, who turneth the hearts of the children of men, that He will dispose the rulers of both countries to a pacific adjustment of their national differences, that so the reciprocal benefits of friendly intercourse may still be maintained, and that under the benign influence of peace, the cause of religion and virtue may prosper, and these two great nations perform their part in promoting the advance of that blissful period, foretold by the Prophet, when nation shall not lift up the sword against nation, and the people shall learn war no more. With sentiments of sincere goodwill we remain your Friends and Sisters."

Worcester and Newport (Isle of Wight) have, we are glad to find, joined in the movement. In each of these towns addresses to our American brethren have been adopted, which have been, in each case, signed by the mayor and the most influential inhabitants.

ORPHAN WORKING-SCHOOL, CITY-ROAD.—A General Court of Governors of this old-established and useful asylum took place on Wednesday last, at the Hall of Commerce, which was numerously attended. It appears by the Report, which was read by Mr. Soule, the Secretary, that the charity is in a prosperous state; the funds are increasing, and the number of subscribers becoming more numerous. Children are received from all religious denominations, and it is open to candidates from every part of the kingdom. There are now 120 children in the school, ten more are admitted at the present election, making an increase of thirty since 1842. A new school is erecting at Haverstock-hill, for the reception of 240 children, and will be ready for occupation in the spring of 1847. Previously to the opening, a fancy sale will take place at the new building, under the patronage of her Royal Highness the Duchess of Kent, her Grace the Duchess of Sutherland, and other distinguished personages. By the auditor's Report, which was read, it appears that the receipts for the past year were £10,713 15s. 9d.; and the disbursements, £10,383 10s. 9d.; the balance in hand, £330 5s. The receipts, on account of the new building, amounted to £4,485 14s. 8d. It is estimated to cost, at least, £9,000, exclusive of fittings. The Report having concluded, the usual election of officers took place; a new rule was adopted, permitting life-nominations on the payment of 250 guineas; a petition was passed against the Charitable Trusts Bill, and the great business of the day commenced in the election of fourteen poor orphan children into the school.

WESLEYAN MISSIONARY SOCIETY.—The annual meeting of this society was held on Monday at Exeter-hall, which was close packed in every corner on the occasion. Mr. Fox Maule, M.P., was in the chair, and opened the proceedings, after the usual prayers, in an appropriate speech. The meeting was then addressed by Sir G. Rose, and Messrs. Gray, Latrobe, Craig, &c., and, a number of resolutions having been carried, the assembly separated. We hope to give a detailed report of the proceedings in our supplement of Monday next.

AN ENGINE AND TENDER DROWNED.—On Thursday night, as a goods-train approached the Blisworth station near Birmingham, it was found that the points had not been properly set, in consequence of which the engine was jerked aside, snapped the chains by which it was attached to the train, and running down the embankment, rushed right into the canal which crosses the line at this place, and was drowned. The goods-train went a considerable way down the line by its own momentum. The escape of the engineman and stoker was almost miraculous.

THE FIFTIETH ANNUAL CONFERENCE of the Methodist New Connexion is to be held this year in Manchester. Its sittings will commence on Whit Monday, in Ebenezer Chapel, Peter-street. In connexion with the Conference a *soirée* will also be held, in the Free Trade Hall, on Whit Friday, when an assemblage of at least 3,000 persons, including most of the leading friends of the community, is expected to be present.

THE RAILWAY SUICIDE.—The meetings for "dissolution" increase daily. Upwards of 70 railway meetings, already advertised to be held in the next fortnight, are, in the majority of cases, for this purpose. In many instances it has been determined at once to "wind up"; in others, future meetings are to be held for a final determination on the subject.

STRANGE STORY.—On the 7th inst., Joseph Bailey, a youth about sixteen years of age, son of Henry Bailey, of Shadow Moss, in Northern Etchells, near Liverpool, vomited a living reptile, of the lizard tribe, the body of which was about seven inches long. It was the consequence of drinking at a brook, in a field in which he was at work as plough-driver, in the autumn of 1844, about eighteen months since. He was aware at the time that while he was hastily drinking he swallowed some object which made him sick; his health has gradually retrograded, and he has been subject to fits of vomiting. About two months ago he became unable to follow his employment; his parents called in two eminent surgeons. While taking the prescribed medicines his sickness increased and he was scarcely able to walk across the room. Upon being seized with a fit of vomiting, he threw up, three times successively, a thick glutinous matter, and at the fourth time, the reptile made its appearance in his mouth, making a desperate attempt to return down the throat; but applying his finger, he laid hold of it and threw it on the floor, and it then ran into the grid-hole. In the hurry of the moment his sister so much crushed and mangled it, that all further inspection was impossible. Since this he has gradually recovered, and there appears no doubt of his ultimate restoration to sound health.—*Manchester Courier*.

MR. R. DILLON BROWNE, M.P., has declared his intention of following Mr. Smith O'Brien's example. In a letter from the clerk to the Committee of Selection, he says:—

I beg you will further inform the Committee of Selection, that during the sittings of the House of Commons I shall hold myself excused from attending any committee whatever, as I have an undoubted right, in my capacity as one of the knights of the shire for the county of Mayo, to take part in all proceedings, and vote upon all questions brought under the consideration of the representatives of the people when assembled in the Commons House of Parliament—a privilege which the Crown itself could not interfere with without violating the first principles of the constitution.

MR. VINCENT'S LECTURES.—Two lectures were delivered by Henry Vincent, Esq., in the British School Room, Stony Stratford, on the evenings of the 30th of April and the 1st May, upon the subject of education. The place was crowded with a respectable and intelligent audience, who, by the repeated bursts of enthusiastic applause, with which they greeted the sentiments of the eloquent lecturer, displayed the deep interest they felt in the subject of the addresses. The lectures have created quite a sensation in the town and neighbourhood, which, it is to be hoped, may lead to very important results. Mr. Vincent has also delivered two lectures on education at Crayford, Kent.

INDIAN ARMY.—We understand that the Court of Directors have passed a resolution for promoting deserving privates and non-commissioned officers of their European corps to the rank of Ensign, with an allowance of £100 for outfit.—*Times*.

STATE OF TRADE.—It is gratifying to find that within the last fortnight a great change for the better has taken place in the tone of the trading circulars from the manufacturing districts, though they all agree in this one point—that the industry of the country is kept from the full range it would otherwise take by the delay in passing the great measure respecting the Corn-laws.

ISLINGTON CHAPEL.—A public meeting was held on Tuesday evening last, April 28, to complete the liquidation of the debt on this place of worship—a debt amounting (since the settlement of the present minister, Mr. B. S. Hollis) to about £2,300. Tea was provided. The whole of the body of the chapel, the pewing of which was floored over for the occasion, was thronged. T. Thompson, Esq., presided; and, after Mr. W. Owen had implored the Divine presence, the meeting was addressed by the Chairman and Henry Thompson, Esq., both of whom gave very interesting accounts of their early connexion with that place of worship. Messrs. G. Wilkins, of Broad-street, Dr. Hewlett, T. Gladstone, of Wrawby, with other friends, also delivered interesting addresses. Mr. Hollis announced that the committee found, not only that the entire debt was discharged, but that they had about £30 more than was required.

WARNING TO GRASPING TRADESMEN.—On Friday evening a considerable crowd assembled opposite the shop of Mr. Messent, linen-draper, St. Matthew's, in consequence of Mr. Messent keeping his shop open beyond eight o'clock in the evening. The police interfered, but not till after a pane of plate glass had been broken by a stone or some hard substance.—*Ipswich Express*.

## BIRTH.

April 25, at Camberwell, Mrs. JOHN DOULTON, of a daughter.

## MARRIAGES.

April 23, at Holywell Mount chapel, by Mr. E. Mannering, minister, Mr. W. L. STACY to MARY ANN KING.

May 1, at the Independent chapel, Warwick, by Mr. J. W. Percy, ADAM ROWLEY, of Henley-in-Arden, to HARRIET METCALFE, of Barford.

May 1, at High-street chapel, Lancaster, by license, by Mr. J. Fleming, Mr. MOSES CASTON, minister, to LUCY, widow of Mr. JOHN WOOLDRIDGE, late missionary to Jamaica, and sister of Edward Dawson, Esq., of Aldcliffe-hall, Lancaster.

May 5, at Regent-street chapel, Lambeth, by the pastor, Mr. W. Fraser, Mr. FRDERICK DOULTON to SARAH, second daughter of John MEREDITH, Esq., of Lambeth-road.

## DEATHS.

April 25, in his 23d year, suddenly, of disease of the heart, JACOB HENRY BURNSIDE, second son of William Burnside, Esq., of Landsdowne-place, and of 54, Fleet-street.

May 1, after a long and painful affliction, which was endured with great resignation and patience, ZEPHORAH COLLINS, aged 21, second daughter of Mr. Collins, Baptist minister, Grundsburg, Suffolk.

May 1, aged 26, ELIZA MILDRED, wife of Mr. Frederick Strong, of 117, Long Acre, London, and eldest daughter of Mr. John Nelson, Wesleyan minister, Stockport.

[In consequence of the great length of the Report of the case of Gathercole v. Miall, we have been obliged to omit the Gazette and Markets for the present week.]

## ADVERTISEMENTS.

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30	20 15 0	26 14 2	5 19 2	23 8 4	29 18 4	6 10 0
35	23 8 4	33 19 2	6 11 8	27 7 6	38 19 2	6 11 8
40	27 7 6	38 19 2	6 11 8	32 17 6	43 19 2	6 11 8
45	32 17 6	43 19 2	6 11 8			

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From experiments we have made on the various kinds of Coffee, we have arrived at the fact, that no one kind possesses strength and flavour. If we select a very strong coffee, it is wanting in flavour; by the same rule, we find the finest and most flavoured coffees are generally wanting in strength; and as they are usually sold each kind separately, quite regardless of their various properties, the consumer is not able to obtain really fine coffee at any price. There is also another peculiar advantage we possess over other houses—our roasting apparatus being constructed on decidedly scientific principles, whereby the strong aromatic flavour of the coffee is preserved, which, in the ordinary process of roasting, is entirely destroyed; and, as we are coffee roasters, we are enabled to keep a full supply of fresh roasted coffee continually after the Parisian and Continental method.

The rapid and still increasing demand for this coffee has caused great excitement in the trade, and several unprincipled houses have copied our papers, and profess to sell a similar coffee. We therefore, think it right to CAUTION the public, and to state that our superior mixture of four countries is a discovery of our own, and therefore the proportions are not known, nor can it be had at any other house, and that in future we shall distinguish it from all others as

SPARROW'S CONTINENTAL COFFEE at 1s. 8d. per lb. Packed in tins of all sizes, perfectly air-tight, for the country. We have also strong and useful Coffees from 1s. to 1s. 4d.

Tea Establishment, 95, High Holborn, adjoining Day and Martin's, leading through into 22, Dean-street.

### TO LADIES.

**ROWLAND'S KALYDOR**, an eminently balsamic preparation, as equally celebrated for its safety in application, as for its mild and soothing operation, in thoroughly purifying the skin of all eruptive maladies, freckles, tan, and discolorations; producing a healthy freshness and transparency of complexion; and an admired softness and delicacy on the hands, arms, and neck.

To Ladies during the period of nursing, and as a wash for Infants it cannot be too strongly recommended.

Gentlemen after shaving will find it allay all irritation and tenderness of the skin, and render it soft, smooth, and pleasant.

Balmy, odoriferous, and creamy, its purifying and refreshing properties have obtained its exclusive selection by the Court, and the Royal Family of Great Britain, and those of the Continent of Europe, together with the *élite* of the aristocracy, and the *haute volée*.

Its high reputation induces unprincipled shopkeepers to offer their spurious "Kalydors" for sale, composed of mineral astringents, utterly ruinous to the complexion, and by their repellent action endangering health. It is therefore imperative on purchasers to see that the words "ROWLAND'S KALYDOR" are on the envelope (an engraving of exquisite beauty from a steel plate by Messrs. Perkins, Bacon, and Co.), and that "A. ROWLAND and SON, 20, Hatton-garden," are engraved (by authority) on the Government stamp affixed on each bottle. Price 4s. 6d. and 8s. 6d. per bottle.

Sold by the Proprietors, and by Chemists and Perfumers.

\* All other "KALYDORS" are FRAUDULENT IMITATIONS!



GATHERCOLE &amp; MIALI.

**THE COMMITTEE**, entirely approving of the course taken by Mr. Miall to obtain the judgment of the Court of Exchequer on the extraordinary doctrine laid down by Baron Parke in the trial at Cambridge, regret that that judgment has not been given so as to withdraw, or materially to modify, the Baron's doctrine. The Committee, therefore, have now nothing left to them but to protect the Editor of the *Nonconformist* from the loss incurred in this suit; and as the expense is not likely to be less than £750, and a judgment may compel immediate payment, the Committee urge upon their friends a remittance, on or before May 7th, of such aid as they may be ready to afford towards meeting these expenses.

APSELEY PELLATT, Treasurer.

Amount already contributed, including the Subscriptions acknowledged below £580 11 4

## ADDITIONAL SUBSCRIPTIONS.

Dr. Buxton, Brownlow-street	£ s. d.	W. E. Hickson, Esq., Wrotham	£ s. d.
Mr. Field, Hammer-smith	0 5 0	E. Smith, Esq., Wicker, near Sheffield	5 0 0
Mr. Muir, Kilwinning	0 2 6	Mr. H. Potter, Darwen	1 0 0
Friends, by W. Edwards, Denmark-hill	4 0 0	Mr. D. Owen, Montgomery	0 3 6
Mr. F. Wheeler, Rochester	0 10 0	Leicester (additional)—A Friend, per T. Sharpe	0 10 0
Mr. S. Wheeler, ditto	0 10 0	Mr. J. Trull	0 10 0
Mr. W. Tatum, ditto	0 10 0	Mr. Maxfield	0 5 0
Mr. Robt. Styles, ditto	0 5 0	Mr. W. T. Tuxfield	0 10 0
Mr. Henry Martin, ditto	0 2 6	Messrs. J. & T. Bedells	0 10 0
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Mr. John Wyde, Leeds	1 1 0	Scarborough—Mr. Wheldon	1 0 0
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Students of Hackney Theological Institution, per Mr. E. Clarke	0 17 0	Rev. Walter Scott, Alre-dale College	1 0 0
James Frith, Esq.	1 1 0	A few Friends in Gloucester who value civil and religious liberty	2 15 6
Mr. Ebenezer Clarke	0 10 6	Mr. J. Gill, Pendleton	0 5 0
Thomas Hawkins, Esq.	1 1 0	Rev. J. Gill	0 5 0
Small sums, per Mr. E. Clarke	0 11 6	Mr. H. Bateson	0 5 0
Mr. Newth	0 5 0	Mr. J. Porritt, Edenfield	0 5 0
W. H. A.	5 0 0	Mr. Howarth, Islington	0 10 0
Mr. Barlow, Birmingham	1 1 0	Mr. Bearfoot	0 5 0
Mr. Lincoln, Halesworth	1 0 0	Mr. R. Mabbs	0 10 0
Honesty's Church	0 5 0	Friends at Chesham, per Rev. T. E. Stallybrass	5 0 0
		Nottingham—Collected by Mr. J. N. Dunn	14 3 6

## SUBSCRIPTIONS JUST RECEIVED.

Sandbach—	£ s. d.
Mr. T. Holbrook	1 0 0
Mr. W. Burgess	0 10 0
Mr. W. Billington	0 5 0
Mr. John Bayley	0 2 6
Mr. W. Dean	0 2 6
Mr. J. Kennerly	0 2 6
Mr. R. Lindrop	0 2 6
Small sums	0 5 0
Mr. Hallam, Wapping Wall	0 10 0
G. J. Cockerell, Esq., Peckham Rye	0 10 6
Mr. Cassell, Nicholas-lane	1 0 0
Rev. R. W. Overbury	0 10 0

Further subscriptions will be received by the Treasurer, Falcon Glass Works, Blackfriars; at the Office of the *Nonconformist* and *Patriot*; by Henry Bidgood, Esq., 7, Vigo-street, Regent-street; and by Robert Besley, Esq., Holloway.

## BRITISH AND FOREIGN SCHOOL SOCIETY. ANNUAL MEETING.

The FORTY-FIRST GENERAL MEETING of the above Society will be held in EXETER HALL, Strand, on MONDAY, the 11th of May, when the Right Hon. Lord JOHN RUSSELL, M.P. and V.P., will preside.

Tickets may be had of Messrs. Harvey and Darton, Gracechurch-street; Messrs. Hatchard and Son, Piccadilly; Messrs. Nisbet and Co., Berners-street; Messrs. Bagster and Sons, 15, Paternoster-row; Mr. Davis, Sunday-school Union Depository, 60, Paternoster-row; Messrs. Miller and Field, 6, Bridge-road, Lambeth; and at the Society's House, Borough-road.

The Chair will be taken at Twelve o'clock precisely. HENRY DUNN, Secretary.

## BRITISH AND FOREIGN ANTI-SLAVERY REPORTER, for the Abolition of Slavery and the Slave-trade throughout the World. The Annual Meeting of this Society will take place in FREEMASONS' HALL, Great Queen-street, Lincoln's-inn-fields, on MONDAY, 18th of MAY, 1846. Sir EDWARD N. BUXTON, Bart., in the Chair. The Chair will be taken at Twelve o'clock precisely.

Admission by tickets only, which may be had at the Society's office, 27, New Broad-street; Thomas Ward and Co., 27, Paternoster-row; Hatchard and Son, 187, Piccadilly; James Nisbet and Co., Berners-street; Joseph Sterry and Son, 156, High-street, Borough; and Charles Gilpin, Bishopsgate-street Without. An early application for tickets is necessary.

## LONDON PEACE SOCIETY.

**THE THIRTIETH PUBLIC ANNIVERSARY** of the LONDON PEACE SOCIETY will be held in FINSBURY CHAPEL, Moorfields, on TUESDAY Evening, May 19th, 1846.

CHAS. HINDLEY, Esq., M.P., President of the Society, is expected to take the Chair, at Six o'clock.

## RELIGIOUS TRACT SOCIETY.—On FRIDAY

Evening, MAY 8, 1846, the Forty-seventh Annual Meeting of the Religious Tract Society will be held in EXETER HALL, Strand. Sir EDWARD N. BUXTON, Bart., in the Chair. The Chair to be taken at Six o'clock precisely. Tickets may be obtained on and after the 22nd of April, at 66, Paternoster-row.

## BRITISH ANTI-STATE-CHURCH ASSOCIATION.—The SECOND ANNUAL MEETING of this Association will be held at the London Tavern, Bishopsgate-street, on THURSDAY Evening, the 28th of May.

Dr. THOMAS PRICE, the Treasurer, in the Chair. Chair taken at Half-past Six precisely.

## METROPOLITAN COMPLETE SUFFRAGE ASSOCIATION.—The ANNUAL PUBLIC MEETING will be held at the CROWN AND ANCHOR TAVERN, on WEDNESDAY, MAY 20th, at Half-past Six o'clock precisely.

W. SHARMAN CRAWFORD, Esq. M.P., (the President), in the Chair. A. COCKSHAW, Hon. Sec., 48, Baker-street, Lloyd-square.

**THE PICTURE of the INDEPENDENTS asserting LIBERTY OF CONSCIENCE in the WESTMINSTER ASSEMBLY of DIVINES**, Painted by J. R. HERBERT, Esq., R.A., will be on View for One Week, in the Congregational Library, Blomfield-street, Finsbury, from Monday, 4th May. Admission Free, on presentation of card.

## PANORAMA OF CONSTANTINOPLE.—Now

OPEN, at the Panorama Royal, Leicester-square, a VIEW of the magnificent city of CONSTANTINOPLE, from the Seraskier's Tower, embracing the most enchanting scenery in the world, including Galata, Pera, Scutari, the Seraglio, the Sea of Marmora, with Mount Olympus, the Bosphorus, and the Valley of Sweet Waters. The VIEW of ATHENS, which is universally acknowledged by the press to be a complete triumph in the panoramic art, and ROUEN, are also now open.

## ANNIVERSARY OF THE LONDON MISSIONARY SOCIETY. FIFTY-SECOND GENERAL MEETING. MONDAY, MAY 11th.

EVENING.—District Church of St. Mary, Spital-square.—The Rev. J. H. GWYTHIER, M.A., Vicar of Madeley, Salop, will preach on behalf of the Society. Service to begin at Half-past Six o'clock.

WEDNESDAY, MAY 13th.

MORNING.—Surrey Chapel.—Rev. JOHN CUMMING, D.D., of London, to preach.

EVENING.—Tabernacle.—Rev. WM. HAWES COOPER, of Dublin, to preach. The Morning Service will begin at Half-past Ten, and the Evening at Six o'clock.

THURSDAY, MAY 14th.

MORNING.—The PUBLIC MEETING will be held at EXETER HALL, in the Strand. The Chair to be taken precisely at Ten o'clock, by Sir CULLING EARDLEY SMITH, Bart., Treasurer.

EVENING.—An ADJOURNED MEETING will be held at FINSBURY CHAPEL, Finsbury-circus. The Chair will be taken at Six o'clock, by the Rev. JACOB STANLEY, President of the Wesleyan Conference.

LORD'S DAY, MAY 17th.

Sermons will be preached, and Collections made, at various Places of worship, the particulars of which will previously be published.

MONDAY, MAY 18th.

A MEETING of the DIRECTORS of the SOCIETY, both Town and Country, will be held at the MISSION-HOUSE, BLOMFIELD-STREET, FINSBURY, at Eleven o'clock in the forenoon.

EVENING.—The SACRAMENT of the LORD'S SUPPER will be administered at the following Places of Worship to those Members and friends of the Society who are stated communicants, and who produce Tickets from their respective Ministers, viz.:

Chapels.	To Preside.
SION CHAPEL	Rev. Andrew Reed, D.D.
ORANGE-STREET	Rev. John Burnet.
FALCON-SQUARE	Rev. John Ely, Leeds.
SURREY CHAPEL	Rev. John Harris, D.D.
CLAREMONT CHAPEL	Rev. John Angell James.
ST. THOMAS'S-SQ. HACKNEY	Rev. John Clayton, M.A.
STOCKWELL CHAPEL	Rev. Henry Townley.
KINGSLAND CHAPEL	Rev. George Smith.
TOTTENHAM-COURT-ROAD	Rev. John Alexander.
HANOVER CHAPEL, PECKHAM	Rev. Henry J. Bevis.
TREVOR CHAPEL, CHELSEA	Rev. Arthur Tidman.
GREENWICH TABERNACLE	Rev. Alex. Fletcher, D.D.

A Committee for the delivery of Tickets of admission to Exeter-hall will attend at the Mission-house, Blomfield-street, Finsbury, from Twelve o'clock till Three, on Friday, Saturday, Monday, Tuesday, and Wednesday preceding the meeting.

Ministers who are members of the Society will be supplied with Tickets for themselves and friends, by their sending, on any of the above-mentioned days, a list of such as are entitled to them, and who wish personally to attend.

ARTHUR TIDMAN, }  
J. J. FREEMAN, } Secretaries.  
JOHN ARUNDEL, }

## CONGREGATIONAL UNION OF ENGLAND AND WALES; SOCIETIES FOR BRITISH MISSIONS, AND BOARD FOR GENERAL EDUCATION.

The following are the arrangements for the Annual Meetings of these Institutions.

1. DISTRIBUTION OF THE AGED MINISTERS' FUND.—On Monday, the 11th of May, the second Meeting of the Distributors of the "Christian Witness" Fund in aid of aged ministers, will be held in the Congregational Library, at four o'clock in the afternoon, precisely.

2. ANNUAL ASSEMBLY OF THE UNION.—On Tuesday, the 12th of May, the first morning session of the Annual Assembly will be held in Crosby-hall, Bishopsgate-street; chair to be taken at nine o'clock precisely, by the Rev. Dr. Vaughan, Professor of Theology in the Lancashire College, Manchester. The meeting will close at half-past two o'clock. Refreshment will be provided in the Congregational Library for three o'clock precisely, under regulations to be notified to brethren on entering the morning meeting of the Union.

3. IRISH EVANGELICAL SOCIETY.—On the evening of this day, Tuesday, May 12th, the Annual Meeting of the Irish Evangelical Society will be held in Finsbury Chapel. Chair to be taken at six o'clock precisely.

4. FIRST ADJOURNED MEETING OF THE ASSEMBLY OF THE UNION.—On Friday, the 15th of May, the Assembly of the Union will hold its second morning session in Crosby-hall. Chair to be again taken by the Rev. Dr. Vaughan, at Nine o'clock precisely. Adjournment at half-past Two. Refreshment in the Library at Three o'clock precisely.

5. COLONIAL MISSIONARY SOCIETY.—On the evening of the same day, Friday, the 15th of May, the Tenth Annual Meeting of the Colonial Missionary Society will be held in the Weigh-house Chapel, Fish-street-hill. The Treasurer of the Society, J. R. Mills, Esq., will take the Chair at Six o'clock precisely.

6. SECOND ADJOURNED MEETING OF THE ASSEMBLY OF THE UNION.—BUSINESS OF THE BOARD FOR GENERAL EDUCATION.—On Saturday morning, the Assembly of the Union, and in particular all contributors to the Education Fund, are specially invited to meet in Crosby-hall. Chair to be taken by the Rev. Dr. Vaughan, at Ten o'clock precisely, that full and undivided attention may be given to the important object and affairs of the Education movement.

7. HOME MISSIONARY SOCIETY.—On Tuesday evening, May the 19th, the twenty-seventh Annual Meeting of the Home Missionary Society will be held in Exeter-hall. Chair to be taken at Six o'clock precisely, by Mr. Alderman Challis.

THE NEW ASYLUM FOR INFANT ORPHANS, STAMFORD-HILL. For Orphans under Eight Years of Age, without distinction of Sex, Place, or Religious Connexion.

THE SECOND ANNIVERSARY DINNER of this CHARITY will be held at the LONDON TAVERN, BISHOPSGATE-STREET, on WEDNESDAY, the 27th of MAY. The Right Hon. Lord Viscount MORPETH, M.P., in the chair.

## STEWARDS.

The Right Hon. the Earl of Clarendon	Christopher Lund, Esq.
The Right Hon. Lord Dudley	Sir George H. Larpent, Bart.
Coutts Stuart	William Ewart, Esq., M.P.
Sir Culling Eardley Smith, Bart.	Charles Lushington, Esq.
A. M. Bidgood, Esq.	James Harmer, Esq.
James Pattison, Esq., M.P.	S. M. Peto, Esq.
Charles Hindley, Esq., M.P.	Robert Lush, Esq.
Henry Vyner, Esq.	William Leavers, Esq.
A. W. Roberts, Esq.	John Remington Mills, Esq.
S. P. Arnold, Esq.	Robert McCabe, Esq.
Francis Bennoch, Esq.	William Mawley, Esq.
Edward Brown, Esq.	James Peek, Esq.
Dominic Braggiotti, Esq.	John Relfe, Esq.
Josiah Conder, Esq.	Charles Reed, Esq.
James Carter, Esq.	Robert Rymill, Esq.
Isaac Circuit, Esq.	George Simmons, Esq.
Joseph Crane, Esq.	James Smith, Esq.
Joseph Davis, Esq.	George Thompson, Esq.
John Finch, Esq.	Henry Thompson, Esq.
Edward Edwards, Esq.	William Thornborrow, Esq.
William Groser, Esq.	William Wilkinson, Esq.
Edward Healy, Esq.	David W. Wire, Esq.
John W. Arker, Esq.	John Wilks, Esq.
Charles Jones, Esq.	J. Bazley White, Esq.
George T. Kemp, Esq.	Captain Weller.
P. C. Leekie, Esq.	

Tickets, One Guinea each, may be had of the Stewards; at the Offices of the Institution, 32, Poultry; and at the Bar of the London Tavern.

JAMES SHERMAN, Hon. Sec.

Office, 32, Poultry, May, 1846.

REV. WILLIAM KNIBB.

J. SNOW has the pleasure to announce, that he has now ready, in White Metal, price 4s., in Bronze, price 3s., and in Morocco Case, price 4s.

A BEAUTIFUL MEDAL of the late lamented Rev. WILLIAM KNIBB, Missionary to Jamaica.

A liberal allowance to Schools.

London: 35, Paternoster-row.

## ORPHAN WORKING SCHOOL, CITY-ROAD.

(About to remove to Haverstock-hill.)

Open to Children of both sexes, of all denominations, and from any part of the kingdom.

## SPECIAL APPEAL.

The Orphan Working School was instituted in 1758, at Hoxton, for the reception of twenty orphan and destitute boys. This number gradually increased until 1773, when it was found necessary to build, and the City-road premises were erected for the accommodation of 70 children. The building now contains 130, and will receive in a few days 10 more, making a total of 140. During the 88 years in which the charity has existed, 1,335 children have been received. The average annual admissions for the last three years have been 29. Orphans from eighteen counties are now in the school.

As the present building would not admit of enlargement without depriving the children of the means of healthful recreation, and the altered and confined situation of the school would render that measure on many occasions undesirable, the governors, after mature consideration, determined upon the erection of a new building, capable of receiving double the present number of children. For this purpose they purchased an eligible piece of land at Haverstock-hill, Hampstead-road, and now solicit donations for the special object of meeting the necessary expenses. The new building, with accommodation for 240 children, is now in a forward state, and will be completed by the early part of 1847. As a large amount is yet to be raised in order to meet the cost of erection and the necessary fittings, the Committee look to the Governors, and the friends of the orphan generally, for their kind and efficient support. Upon the amount collected will depend the number of children to be received. This is not a local charity; it is therefore hoped that the friends of the orphan and destitute poor in every part of the country will respond to appeal.

A Fancy Sale of useful and ornamental articles will take place at the new building next year, before it is open to the children, under the distinguished patronage of her Royal Highness the Duchess of Kent, her Grace the Duchess of Sutherland, &c. &c. Any contributions to this object, as well as pecuniary assistance, will be thankfully received.

Ladies collecting the sum of Five or Ten Guineas are constituted Life Contributors, and are entitled to vote at every election of children.

On behalf of the Committee.

May 1, 1846.

JOSEPH SOUL, Secretary.

	£ s. d.
The Corporation of London	300 0 0
George Byng, Esq., M.P.	105 0 0
Henry Wymouth, Esq. (the President)	100 0 0
John R. Mills, Esq. (the Treasurer)	100 0 0
The Worshipful Company of Goldsmiths	52 10 0
The Worshipful Company of Fishmongers	52 10 0
Subscriptions already advertised	4,502 3 7

## ADDITIONAL SUBSCRIPTIONS.

The Worshipful Company of Clothworkers	21 0 0
The Epistle of James, i. 27	10 10 0
Mrs. M. S. Weedon	10 10 0
Joseph Maynard, Esq.	10 10 0
Edward Madgwick, Esq.	7 7 0
Miss Carter	5 5 0
Herbert Sturmy, Esq.	5 5 0
James Ware, Esq.	10 10 0
O. T. Owen, Esq.	5 5 0
Miss J. B. (collected)	5 5 0
Miss J. L. (collected)	5 5 0
Miss Bishop (collected)	5 5 0
Miss Lawrence (collected)	5 5 0
Mrs. Mary Overend	10 10 0
Mr. John Kitching	10 10 0
Mrs. Blockhurst	10 10 0
Mr. Spalding	5 5 0
Mrs. Spalding	5 5 0
Windsor, Independent Chapel; collected after a Sermon by Rev. J. B. M'Crea	10 10 0
Henry Darville, Esq., per ditto	10 10 0
Kingsland Independent Chapel, after a Sermon by Rev. T. Aveling	16 5 6
Miss Bibbins, per ditto	10 10 0
Eagle-street Baptist Chapel, after a Sermon by Rev. R. W. Overbury	11 2 5
Mrs. Marlborough	10 10 0
John Homes, Esq.	10 10 0
Miss Porter	5 5 0
Miss Anne Porter	5 5 0
Jonathan Barrett, Esq. (additional)	36 15 0
Miss M. P. Schlotel	5 5 0
W. M. Smith, Esq.	5 5 0
Mrs. Andrews	10 10 0
Henry Selfe Selfe, Esq.	10 10 0
James Cunliffe, Esq.	21 0 0
George William Alexander, Esq.	10 10 0
John Brown, Esq. (second donation)	10 10 0
J. W. Brown, Esq.	5 5 0
Miss Jones (collected)	5 5 0
E. P. (collected)	5 5 0
James Oliver, Esq.	10 10 0
Miss Oliver (collected)	10 10 0
Miss Gilham	5 5 0
Henry Grissell, Esq.	10 10 0
David W. Wire, Esq.	10 10 0
Mrs. Robinson (collected)	10 10 0
Charles Martin, Esq.	10 10 0
Mrs. Fairman	10 10 0
Friends, per Miss Bradshaw	14 14 0
Thomas Morris, Esq.	5 5 0
George B. Hart, Esq. (second donation)	21 0 0
A. M. Bidgood, Esq.	5 5 0
Joseph Cripps, Esq.	5 5 0
William Taylor, Esq.	10 10 0
Mrs. Howard (collected)	5 5 0
Miss Emma Clark (collected, additional)	14 14 0
John Spencer, Esq. (additional)	5 5 0
Miss Barnett (collected, additional)	13 2 6
Mrs. Stone (collected)	10 10 0
Thomas Glasscock, Esq.	10 10 0
H. F. Coleman, Esq.	10 10 0
Miss Procter	5 5 0
Friends to the case of the Twin Sisters Stephens, by Charles Jones, Esq.	15 15 0
Mrs. Lugsdin, by ditto	10 10 0
Mrs. Harvey	10 10 0
William Hamilton, Esq.	10 10 0
John Hamilton, Esq.	10 10 0
James R. Laurie, Esq.	10 10 0
Mrs. M. G. Jones (additional)	5 5 0
Friends, by Miss Overbury, Westbury	15 15 0
Friends, by Mrs. R. Overbury	5 5 0
A Friend, S. S.	5 5 0
Mr. Stratton Tomkins (second donation)	15 15 0
Miss Kershaw	10 10 0
George Sturge, Esq. (additional)	12 12 0
Friends, by Dr. J. R. Bennett	26 5 0
Miss Phillips (additional)	5 5 0
Six Females placed out in Service from the Institution	2 10 0
Small sums	17 1 4

Subscriptions and Donations will be received at the London Joint Bank, Princes-street; Messrs. Coutts and Co., Strand; Barclay, Bevan, and Co., Lombard-street; Jones, Lloyd, and Co., Lothbury; Masterman and Co., Nicholas-lane; Overend, Gurney, and Co., Lombard-street; Hankey and Co., Fenchurch-street; Williams, Deacon, and Co., Birch-lane; Praed and Co., Fleet-street; Rogers, Olding, Sharpe, and Co., Clement's-lane; the London and Westminster Bank, Lothbury, and at all its branches; Messrs. Nisbet and Co., Berners-street, Oxford-street; Jackson and Walford, St. Paul's-churchyard; Mr. Charles Gilpin, Bookseller, Bishopsgate-street; and by Mr. Joseph Soul, the Secretary, at the School, City-road, to whom all communications are respectfully requested to be addressed.

Printed by JOHN HASLER, of No. 1, Montague-place, Islington, in the county of Middlesex, at No. 4, Crane-court, Fleet-street, in the parish of St. Dunstan in the West, in the city of London; and published by EDWARD MIALI, of No. 1, Belgrave-place, Tufnell-park, Holloway, in the county of Middlesex, at the office, No. 3, Whitefriars-street, Fleet-street, in the parish of St. Dunstan in the West, in the city of London.—WEDNESDAY, MAY 6, 1846.

ORIGINAL  
DEFECTIVE